



SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. MATHIAS (Portugal)

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

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The meeting was called to order at 4.15 p.m.

AGENDA ITEM 122: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES
(continued) (A/SPC/35/L.21/Rev.1, L.24, L.24/Rev.1, L.29)

1. Mr. KA (Senegal) said that, following consultations with delegations concerned, the Senegalese delegation, in a spirit of compromise, agreed that the subamendment which it was proposing to the amendment of Mozambique could be added to the operative part of the draft resolution, as requested by the delegation of Mozambique. To that end, the subamendment had been reworded as follows: "strongly condemns all policies and practices of oppressive and racist régimes as well as aggression, alien domination and foreign occupation, which are primarily responsible for the massive flows of refugees throughout the world and which result in inhuman suffering;".
2. Mr. MADEIRA (Mozambique), supported by the representative of Democratic Yemen, stated that he could not accept the subamendment proposed by Senegal in view of the extremely radical manner in which it changed the amendment submitted by his delegation. It would be preferable for that subamendment to form a separate paragraph. Moreover, if a vote were taken, the Mozambican amendment should be put to the vote first, since it had been submitted first.
3. Mr. STARČEVIĆ (Yugoslavia) said that, having heard the new proposal submitted by Senegal, which contained the main ideas that he wished to see included, his delegation was withdrawing the subamendment which it had submitted to the Senegalese proposal.
4. The CHAIRMAN suggested that, in view of the differing opinions expressed by Mozambique and Senegal, the Committee should decide whether the Senegalese proposal should be regarded as a subamendment to the amendment of Mozambique or whether it should be considered separately.
5. Mr. OVINNIKOV (Union of Soviet Socialist Republics), speaking on a point of order, said that the Senegalese proposal should be regarded as an independent proposal and was consequently subject to the provisions of rule 131 of the rules of procedure of the General Assembly, which stated that "If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted".
6. Mr. MOLTOTAL (Ethiopia) added that, in accordance with the last sentence of rule 130 of the rules of procedure, "A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal". Since the so-called subamendment submitted by Senegal completely changed the amendment proposed by Mozambique, it therefore fell within the scope of rule 131. The proposal of Mozambique, having been submitted before that of Senegal, should therefore be put to the vote first.

7. Mr. KOH (Singapore) expressed the view that the applicable rule in that particular case was rule 130 and not rule 131. In his view, the proposal of Senegal did not radically change the substance of the amendment submitted by Mozambique, which was intended strongly to condemn certain policies and practices to which the existence of flows of refugees was mainly attributable. It merely withdrew certain words relating to specific situations and added a reference to other types of practices, policies and régimes equally responsible for the flows of refugees. Since a subamendment always took precedence over an amendment, the proposal of Senegal should be put to the vote first. However, since the sponsors of the amendment in document A/SPC/35/L.24/Rev.1 regarded the proposal of Senegal not as a subamendment but as a separate amendment different from their own, it would be more democratic to solve the problem by putting the question to a vote.
8. Mr. OVINNIKOV (Union of Soviet Socialist Republics) drew the attention of the Committee to the fact that voting on that type of question would set a dangerous precedent. However, the Soviet delegation was not opposed to a vote being taken first on the text proposed by Senegal, since that was a democratic procedure.
9. Mr. SOVALSKI (Poland) indicated that his delegation did not think that the proposal of Senegal could be regarded as a subamendment. Moreover, if the Committee proceeded to the type of vote proposed by some delegations, it would be losing the spirit of consensus which should prevail in its decision on that amendment. The Polish delegation also believed that, before deciding on the procedure to be adopted, the Committee should give some thought to the political implications which some delegations would detect in the recognition of the proposal of Senegal as a subamendment to the amendment submitted by Mozambique.
10. The CHAIRMAN, having recalled that he personally regarded the proposal of Senegal as a subamendment to the amendment submitted by Mozambique, referred the problem to the Committee and asked it to vote on the following question: "Does the Senegalese proposal constitute an amendment to the proposal of Mozambique?".
11. At the request of the representative of Ethiopia, a vote was taken by roll-call.
12. Papua New Guinea, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chile, China, Colombia, Cyprus, Democratic Kampuchea, Denmark, Ecuador, Egypt, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Guyana, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Malaysia, Maldives, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden,

Thailand, Togo, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Against: Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Mongolia, Mozambique, Poland, Sao Tome and Principe, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam.

Abstaining: Algeria, Botswana, Burma, Burundi, Gabon, Ghana, Guinea, Iraq, Jamaica, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mauritania, Qatar, United Arab Emirates, Yugoslavia, Zimbabwe.

13. By 76 votes to 19, with 20 abstentions, the proposal of Senegal was considered as a subamendment to the amendment proposed by Mozambique.

14. Mr. MADEIRA (Mozambique), repeating that his delegation did not consider the proposal of Senegal as being a subamendment to the amendment which it had submitted, said that he did not wish to be associated with that proposal and was withdrawing his amendment.

15. Mr. AL ELFI (Democratic Yemen) said that, being also a sponsor of the amendment submitted by Mozambique and not having been consulted by the Mozambican delegation, he wished to reintroduce the amendment.

16. The CHAIRMAN said that, since one of the sponsors of amendment A/SPC/35/L.2 wished to maintain that amendment, a vote should be taken on the subamendment of Senegal to the said amendment.

17. At the request of the representative of Singapore, a vote was taken by roll-call on the subamendment proposed by Senegal.

18. Bangladesh, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Central African Republic, Chile, China, Colombia, Cyprus, Democratic Kampuchea, Denmark, Ecuador, Egypt, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Guatemala, Guyana, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Liberia, Luxembourg, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Samoa, Saudi

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Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Mongolia, Mozambique, Poland, Sao Tome and Principe, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Algeria, Benin, Guinea, Iraq, Lesotho, Madagascar, Malawi, Uganda, United Republic of Tanzania, Zimbabwe.

19. The subamendment proposed by Senegal was adopted by 90 votes to 16, with 10 abstentions.

20. The CHAIRMAN stated that, as a result of the vote, amendment A/SPC/35/L.24/Rev.1 and amendment A/SPC/35/L.27 were ipso facto annulled.

21. Mr. JELONEK (Federal Republic of Germany), speaking on a point of order, said that he was very pleased with the vote which had just taken place and appealed to the representative of Somalia to withdraw his amendment (A/SPC/35/L.29).

22. Mr. ADANA (Somalia) said that, in a spirit of co-operation and in order to help bring about a consensus, he would withdraw his amendment.

23. Mr. ASHTAL (Democratic Yemen) asked what had become of the amendment introduced by Mozambique and reintroduced by Democratic Yemen (A/SPC/35/L.24/Rev.1), and demanded, under rule 130 of the rules of procedure, that that amendment be put to a vote.

24. The CHAIRMAN said that that amendment had been annulled by the subamendment introduced by Senegal and adopted by the Committee. He proposed that the Committee should proceed to a vote by roll call on draft resolution A/SPC/35/L.21/Rev.1, as amended by the representative of Senegal.

25. Mr. IBRAHIM (Ethiopia), speaking on a point of order, asked that a vote be taken on amendment A/SPC/35/L.24/Rev.1 as amended, before the vote on the draft resolution as a whole, and that the new text be read out.

26. The CHAIRMAN read out the text of the subamendment introduced by Senegal and explained that the Committee would vote on the insertion of that text into draft resolution A/SPC/35/L.21/Rev.1, as its first operative paragraph.

27. Mr. OTUNNU (Uganda), speaking on a point of order, said that he did not understand the connexion between the subamendment introduced by Senegal and amendment A/SPC/35/L.24/Rev.1.

28. Mr. IBRAHIM (Ethiopia) recalled that the representative of Mozambique had withdrawn amendment A/SPC/35/L.24/Rev.1, but that the representative of Democratic Yemen had reintroduced it. For that reason, it should be put to a vote provided that the subamendment introduced by Senegal had been adopted as a subamendment to the amendment introduced by Mozambique and reintroduced by Democratic Yemen (A/SPC/35/L.24/Rev.1), and not as an independent proposal. That point remained to be clarified.

29. Mr. KOH (Singapore) said that the representative of Ethiopia was seeking to reopen a question which had already been decided. Amendment A/SPC/35/L.24/Rev.1 no longer existed, since it had been replaced by the subamendment introduced by Senegal. It seemed, moreover, redundant to vote again on the proposal introduced by Senegal since it had already been voted upon and had been adopted. The subamendment introduced by Senegal had not been framed in the normal manner, which would have been to propose the substitution of certain terms for others. The Committee had, therefore, voted not on specific revisions but on the entire paragraph. The vote had been accepted and the proposal should not be put to the vote again. Draft resolution A/SPC/35/L.21/Rev.1, as revised by Senegal, should therefore be put to the vote.

30. Mr. SOKALSKI (Poland), speaking on a point of order, said that since the amendment withdrawn by Mozambique had been reintroduced by Democratic Yemen and the subamendment of Senegal had not been reintroduced, the Committee had been led, quite wrongly, into treating that subamendment as an amendment, which completely justified the position of the representative of Ethiopia.

31. Mr. ASHTAL (Democratic Yemen) said that he had reintroduced amendment A/SPC/35/L.24/Rev.1, precisely in order that it should not be annulled. The paragraph which it contained, or that paragraph as revised by the subamendment introduced by Senegal, should be voted upon separately.

32. The CHAIRMAN said that the proposal introduced by Senegal constituted a subamendment in so far as the representative of Democratic Yemen had reintroduced amendment A/SPC/35/L.24/Rev.1, and that the Committee had reached a decision with respect to it. It was now necessary to proceed to a vote on draft resolution A/SPC/35/L.24/Rev.1, as revised by the subamendment introduced by Senegal.

33. At the request of the representative of Singapore, a vote was taken by roll-call on draft resolution A/SPC/35/L.21/Rev.1 as revised.

34. Peru, having been drawn by lot by the Chairman, was called upon to vote first

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Central African Republic, China, Colombia, Cyprus, Democratic Kampuchea, Denmark, Ecuador, Egypt, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Maldives

Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Mongolia, Mozambique, Poland, Sao Tome and Principe, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Abstaining: Benin, Chile, Ethiopia, Guinea, Lesotho, Madagascar, Malawi, Uganda, United Republic of Tanzania.

35. The draft resolution was adopted by 93 votes to 15, with 9 abstentions.

36. Mr. BETTENCOURT-BUENO (Brazil) said that he had voted in favour of the draft resolution in view of the importance of the issue with which it dealt and bearing in mind that the decision had been primarily of a procedural character; however, his delegation considered as a matter of principle that a number of the problems in that area were within the exclusive competence of States and not within that of the United Nations. His delegation was grateful to the representative of the Federal Republic of Germany, who had agreed to accept suggestions from other delegations, but reserved its position until the issue had been thoroughly studied in a general debate.

37. Mr. RAMIN (Israel) said that his delegation had voted in favour of draft resolution A/SPC/35/L.21/Rev.1, as amended, on the understanding that, when relations between States were abnormal, for example in a state of war, the alleged "right of return" of expatriates must be viewed in an appropriate light. The refugee problem was therefore only one element in the broader context of negotiations for an over-all settlement and peace agreement.

38. Mr. MADEIRA (Mozambique) announced that his delegation had voted against draft resolution L.21/Rev.1, as amended. It was not that Mozambique was not interested in the fate of refugees; indeed, it had accepted thousands. It found it difficult to understand, however, why it had been decided to spare a régime such as that of South Africa, which moreover had been condemned on several occasions by Member States and which was clearly responsible for the existence of the refugee flow. The Committee had rejected an amendment condemning that régime, which was the source of aggressive actions against the countries of southern Africa, of population massacres and of the destruction of economic infrastructures. Such an attitude was incomprehensible.

39. Mr. DIDIER (Luxembourg) congratulated the sponsors of draft resolution L.21/Rev.1, which had just been adopted: the text would facilitate international co-operation for the purpose of preventing the outflow of refugees; it met the concerns of the international community and the growing needs created by the problem. It opened the way for a serious in-depth study, and it was to be hoped that States would transmit their views on the issue. It was for that reason that Luxembourg, together with the other member States of EEC, had voted for the draft text.

40. Mrs. ORIYO (United Republic of Tanzania) reminded the members of the Committee that her country had accepted a very substantial number of refugees. Her delegation had already made its position clear on several occasions and welcomed the fact that an item on such population groups had been included in the agenda, thus making it possible to concentrate on the basic causes of the outflows and to find solutions through international co-operation; it therefore strongly favoured such an initiative. Her delegation had nevertheless felt obliged to abstain in the vote on draft resolution L.21/Rev.1 in view of the regrettable political turn taken by the debate. It was dangerous to try to classify refugees into categories; the problem was one of widespread distress and should be given world-wide consideration from that angle; solutions of a humanitarian and social character must be found immediately. In that connexion, the past and current work of UNHCR was praiseworthy. But the means of action at its disposal must be strengthened. Such a step would be more helpful in solving the problem than would a proliferation of institutions concerned only with certain categories of refugees; whatever approach was adopted, it should not involve the establishment of new agencies but rather support for existing structures. Her Government was ready to help the international community to tackle the root causes of the problem.

41. Mr. EL-JEAAN (Kuwait) said that his delegation had voted in favour of draft resolution L.21/Rev.1, as amended, on the clear understanding that the policies and practices of racist régimes, which were mentioned in paragraph 1, also covered zionism, which was a form of racism, and that the report to be prepared by the Secretary-General pursuant to paragraph 3 should include all comments and suggestions concerning the Palestinian refugees.

42. Mr. RANGA (India) referred to paragraph 3 of draft resolution L.21/Rev.1, which had just been adopted. His Government had already stated that the report required pursuant to paragraph 3 should supplement the data on peaceful outflows: substantial population groups which were unemployed or underemployed and lived in overpopulated countries with no economic or social prospects had to migrate to other countries, with or without the consent of the Governments concerned. That issue should be pursued and the Secretary-General should request the views of Member States on the subject.

43. Mr. STARČEVIĆ (Yugoslavia), speaking in explanation of vote after the vote on draft resolution L.21/Rev.1, as amended, said that, in contrast to the original text of L.21, which had prematurely indicated a clear line of action before the views of Governments had been ascertained, the revised text did no more than indicate a procedure; however, the subsequent amendments had broadened its scope and had put it on a more solid basis than the original draft. Yugoslavia had therefore voted in favour. Nevertheless, he stressed that the views of Governments should be considered before a decision was taken on the line of action to be followed.

44. Mrs. SELATO (Botswana) said that, although she had voted for draft resolution L.21/Rev.1, she had reservations concerning the seventh preambular paragraph. It was doubtful whether massive flows of refugees could in themselves endanger international peace and security; the danger lay in their actual causes. Botswana interpreted the draft resolution in the sense of the articles of the Charter concerning non-interference in the internal affairs of States: the text just adopted should in no way permit any transgression of that principle, to which her Government remained strongly committed.

45. Mr. THEODORACOPOULOS (Greece) said that, if he had been present during the vote on draft resolution L.21/Rev.1, he would have voted affirmatively on the question of procedure and in favour of the subamendment of Senegal.

46. The CHAIRMAN said that, if the Algerian delegation had been present during the vote on draft resolution L.21/Rev.1, as amended, it would have abstained.

47. He announced that the Committee had concluded its consideration of agenda item 122.

The meeting rose at 5.55 p.m.