



SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. ESQUIVEL (Costa Rica)  
later: Mr. O'DONOVAN (Ireland)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 83: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/36/3/Add.22, A/36/61, A/36/66, A/36/77, A/36/82, A/36/111, A/36/113 and Corr.1, A/36/118, A/36/152, A/36/203, A/36/457, A/36/463, A/36/552, A/36/640, A/36/672):

- (a) REPORT OF THE HIGH COMMISSIONER (continued) (A/36/12 and Add.1; A/C.3/36/L.58)
- (b) INTERNATIONAL CONFERENCE ON ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL (continued) (A/36/316; A/C.3/36/L.56)

1. Mrs. KOVYOKILA (Congo) said that the report of the Secretary-General on the United Nations Conference on Assistance to Refugees in Africa (A/36/316) and the report of the United Nations High Commissioner for Refugees (A/36/12 and Add.1) showed the gravity of the refugee problem and the difficulties involved in finding effective solutions. There were some 12 million refugees in the world today, more than half of them in Africa alone. The South African Government's apartheid policy was responsible for the main stream of refugees in southern Africa, and its systematic repression of blacks who opposed its racist policy had caused a substantial movement of populations in the front-line countries. What was worse, South Africa was freely bombing the countries of asylum, in blatant disregard of international regulations, causing destruction and loss of life in countries which had sheltered refugees at great sacrifice to themselves.

2. South Africa's bombing of Namibian refugee camps in Angola and other front-line States had worsened the already unhappy situation of the refugees and disrupted the precarious balance of those newly independent countries. It was no wonder that countries in southern Africa were reluctant to take in more refugees. The racist régime of Pretoria was hoping, by terrorism and intimidation, to force the people of the region to give up the struggle against colonialism.

3. The desolation of the refugee camps, with children dying a slow death from hunger while adults looked on unable even to react, a sight made familiar to everyone by the mass communications media, must surely move the international community to end its complicity in one of the most unjust and revolting situations of the century.

4. The International Conference on Assistance to Refugees in Africa had made it abundantly clear that the time had come to act before it was too late. The root causes of the situation were already known, but what had been done? The recommendation in General Assembly resolution 35/41 that States should "share the burden of assisting refugees and displaced persons" and observe "the principle of asylum and non-refoulement" offered sound measures for practical action. Her delegation wished to pay tribute to the courageous States which, in face of grave danger, were trying to restore dignity and the joy of life to displaced populations, in particular the front-line countries of southern Africa which daily faced reprisals and violence perpetrated by the odious Pretoria régime.

(Mrs. Kovyokila, Congo)

5. The People's Republic of the Congo was ready to do everything in its power to improve the lot of the refugees. It was carrying out the recommendations of the United Nations and the Organization of African Unity, in a spirit of good-neighbourliness, and giving asylum to refugees. A national centre for assistance to refugees had been set up recently, with the help of the High Commissioner. Her country was making a modest contribution, along with the United Nations, to an enormous enterprise in human solidarity.

6. Mrs. MBAIRO (Central African Republic) said that the refugee situation was one of the most painful problems of the present-day world. According to recent figures, there were over 10 million refugees in the world, more than half of whom were living in Africa, the continent most seriously affected by famine, drought, civil war and wars of liberation. The International Conference on Assistance to Refugees in Africa, which her country had attended, had focussed world attention on the refugee problem in Africa; the resulting contributions or pledges, totalling \$560 million, had helped to meet the most urgent needs of refugees and relieve some of the burden of the receiving countries, which, ironically, were mostly among the least advanced countries or the countries most seriously affected by the current economic crisis.

7. The Central African Republic had always opened its frontiers to refugees and accorded them generous hospitality - for example in 1960, at the time of the unhappy events in the Congo (now Zaire), and later in the case of the victims of the civil war in the Sudan. In 1980 it had accepted 10,000 refugees from Chad and had set up a national commission for assistance to Chad refugees, which was providing education and health services, in close co-operation with the Office of the United Nations High Commissioner for Refugees and the Chad Embassy at Bangui, despite the country's serious economic and social situation.

8. Refugees who were not intending to return to their own countries in the near future were brought into the Central African Republic's agricultural development programme, but the Government was co-operating with the High Commissioner and the Government of Chad in repatriating refugees who wished to return to the southern part of that country. The Government also paid for travel by refugees wishing to leave the Central African Republic for another country. Most refugees living in the Republic came from Chad, but there were also a few from Ethiopia, Uganda and Angola. Her country's contribution, while modest, was the most that it could do. There had been no cases of refoulement. Her country greatly appreciated the co-operation of the Office of the United Nations High Commissioner for Refugees in dealing with the problems of refugees from Chad and refugees in Africa in general.

9. Ms. FAWTHORPE (New Zealand) said that refugee outflows in recent years had confronted the international community with some of its most pressing humanitarian, legal and even political problems. The photographic display outside the Committee's meeting-room had presented a vivid account of the diversity of problems faced by refugees from all regions of the world in meeting the basic needs of daily living. Those and other difficulties, such as the determination of the

(Ms. Fawthorpe, New Zealand)

refugees' status and their re-establishment as full members of society, were among the most demanding tasks to be tackled by UNHCR. While recognizing that removal of the root causes of refugee problems was necessary in the long term, New Zealand fully supported UNHCR in its efforts not to let political elements hamper its day-to-day humanitarian operations and believed that root causes were better dealt with elsewhere. The Office's successes so far owed much to its commitment to alleviating the immediate suffering of refugees and to guaranteeing their international protection.

10. New Zealand, noting with concern the reports of infringements of the physical safety of refugees, supported UNHCR's efforts to prevent such exploitation of their vulnerability and to end such situations when they arose. New Zealand was a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Applications for refugee status in New Zealand were dealt with by a special interdepartmental committee which was guided by the principle of non-refoulement, and which had been greatly assisted by the Sydney office of UNHCR.

11. The plight of refugees anywhere deserved the attention and energies of the world community. The scale of the African problem was especially alarming. The International Conference on Assistance to Refugees in Africa, in which her country had participated, had been an important step in acquainting Governments with the issues at stake and generating support for the efforts of the African countries directly affected, which had hitherto borne a major share of the burden despite their limited resources. New Zealand had contributed \$200,000 to UNHCR for assistance to African refugees.

12. Her Government still felt concern at the situation in Indo-China and South-East Asia, despite some promise of further stabilization. It had been pleased to learn of a meeting with representatives of Viet Nam, held in October 1981, which might further improve the implementation of the Orderly Departures Programme. New Zealand had given priority to providing resettlement places for Indo-Chinese refugees, in the context of UNHCR's work. While voluntary repatriation to the country of origin was the best solution, New Zealand recognized the principle of burden-sharing where that solution was not feasible, and it had announced a quota of a further 1,000 Indo-Chinese refugees in 1981. By the end of the current resettlement programme in June 1982, about one person in every 720 in New Zealand would be a former Indo-Chinese refugee, a proportion exceeding the 1979 target of one per 1,000 of the population. Selection of refugees was based on humane criteria, including reunification of families and acceptance of handicapped, ill and other disadvantaged refugees.

13. The Government had also announced in 1980 that it would accept a special quota of 100 Polish refugees from Austria, over and above existing quotas, and in 1981 it had increased the country's unearmarked contribution to UNHCR's general programmes by 25 per cent.

14. New Zealand fully supported the activities of the High Commissioner and was encouraged by the progress made in achieving durable solutions to a number of

(Ms. Fawthorpe, New Zealand)

daunting problems. Her country trusted that the High Commissioner's tentative prediction of a smaller annual budget for 1981 and 1982 would be realized. She reaffirmed her delegation's support for UNHCR's efforts to strengthen the management of its services in order to ensure the greatest possible benefit to the refugees.

15. Mrs. ZOGRAFOU (Greece) said that the international community should reinforce its efforts to relieve the tragic refugee situation, and the United Nations and all Member States should concentrate on the principles of personal safety, economic and social rights, voluntary repatriation and family reunification. The Special Political Committee should be encouraged in its efforts to prevent new waves of refugees, with a view to stemming the ever-increasing movement.

16. Her Government had participated in the International Conference on Assistance to Refugees in Africa and had noted with satisfaction the progress being made in voluntary repatriation.

17. She wished to express her delegation's appreciation to the High Commissioner for co-ordinating humanitarian aid for persons displaced after the invasion of Cyprus. About 200,000 Cypriots who had been forced to leave their homes in 1974 were still waiting to go back. They were in the unique situation of being refugees in their own country.

18. While appreciating the invaluable work of the High Commissioner, she stressed that it was no longer enough to deal with the consequences of the problem; the evil must be dealt with at the roots, and radical and lasting solutions found.

19. Mr. BARRINGTON (Ireland) said the report of the United Nations High Commissioner for Refugees showed that, as a result of certain events in the past year, the world refugee situation today was more sombre than in 1980. The concentration of refugees in Africa continued to cause the most serious concern, and Africa had also been adversely affected by events in 1981, such as South Africa's unjustifiable attacks on Angola and the fact that many refugees were forced to seek asylum in countries which themselves faced enormous problems of economic development. It was heartening that African countries continued their generous traditional practice of accepting refugees, irrespective of the receiving country's economic position and the additional burdens that the influx of refugees placed on already strained resources. He noted with particular satisfaction that UNHCR had been able to conclude its special programme for returnees and displaced persons in Zimbabwe, an achievement by UNHCR and the Zimbabwean authorities which had directly improved the standard of living of over a million people. Moreover, the International Conference on Assistance to Refugees in Africa had served many useful purposes, including the creation of a heightened awareness of the gravity of the situation among the international community.

20. In Asia, the large number of refugees from Afghanistan had created serious difficulties from neighbouring countries, and he paid tribute to the Government of Pakistan for its generous assistance. His country trusted that the underlying causes increasing the refugee population in Pakistan would soon be removed and

(Mr. Barrington, Ireland)

that the refugees would be able to return to their country. His Government also looked forward to continued progress in solving the problems which had caused the refugee population in South-East Asia. In both situations, UNHCR had done valuable and sustained work. There had been a sharp rise in the number of refugees in Latin America, largely due to the continued violence in El Salvador. Reports indicated that 180,000 Salvadorian refugees, many of them women and children from poor rural areas, were now in neighbouring countries. His Government had supported the efforts of UNHCR and had recently announced its intention to make a contribution for humanitarian relief in that region.

21. While welcoming current attempts to deal with the underlying causes of refugee flows, Ireland recognized the need for humanitarian aid, which, as indicated in the High Commissioner's report, continued to be literally a matter of life and death. It therefore whole-heartedly supported the dedicated work of UNHCR and the humanitarian principles, such as non-refoulement and the right to asylum, which guided it. It maintained its commitment to the various instruments which provided the international legal framework for the protection of refugees. His delegation noted the vast growth in UNHCR's budget, workload and staffing levels and welcomed the High Commissioner's action to ensure the maximum effectiveness of the material and human resources available to him.

22. Mr. O'Donovan (Ireland) took the Chair.

23. Mr. ABAWI (Afghanistan) said that his Government had always supported the provision of humanitarian assistance by the United Nations and UNHCR to genuine refugees, but it did not support giving assistance to bandits, rebels, terrorists and other expatriates who were conducting political and subversive activities and should not be treated as refugees. With regard to Afghan refugees, he said that unfortunately a number of Afghans still remained abroad, as a result of misleading and false propaganda campaigns by the enemies of the Afghan revolution, although it was his Government's earnest desire to see them all return home, as thousands of families had already done.

24. The number of Afghans living in neighbouring countries had been grossly exaggerated by certain speakers for purely political reasons and in order to attract more financial assistance. Moreover, as was widely known and had been admitted by some of the organizations dealing with refugees, many local families had registered at refugee centres - often at more than one - in order to benefit from the modest refugee rations, and refugee registration cards had been sold to the local population by local authorities or by refugees returning to Afghanistan. It was unfortunate that thousands of Afghan nomads and members of Kochi tribes had been forced to remain in neighbouring countries and register as refugees.

25. The changes brought about in Afghanistan during the new phase of the April revolution, which were supported by the broad mass of the Afghan people, showed the consolidation of economic development, land reform, maintenance of law and order and normalization of the situation. A further indication of support for and stabilization of the situation was the return of people who had left the

(Mr. Abawi, Afghanistan)

country through fear and terror under the previous régime. Tens of thousands of inhabitants of cities and villages had returned home recently, but because of false propaganda and lies spread by the enemies of the revolution, a number of Afghans who had left their homeland still remained outside the country. The Government of the Democratic Republic of Afghanistan had granted a general amnesty to those whose hands were not stained with the blood of their compatriots, guaranteeing physical security, freedom to select their place or residence and type of occupation, equal rights to solve land problems arising from land reform and an opportunity to take part in public affairs, in the construction of the new Afghanistan and in the defence of the country.

26. It would be a matter of regret to his Government if any international organization allowed itself to be influenced by some countries and provided assistance to destructive elements, which would be tantamount to condoning their subversive activities. Such assistance might well be used to buy destructive weapons, the situation would be aggravated through increasing intervention by neighbouring countries, and tension in the region would be increased.

27. International assistance to rehabilitate refugees and help them in their occupations and in other vital fields was permissible. The competent Afghan authorities were ready to help in such activities, and the Government welcomed co-operation and assistance from friendly and fraternal countries in repatriating refugees and their families. It trusted that the Governments of neighbouring countries, instead of hampering the return of Afghan refugees to their towns and villages, would reciprocate the sincere wishes of the Afghans to co-operate with their neighbours. It reaffirmed its guarantee that the Kochi tribes and cattle raisers would have the right to free use of pastures and free movement in the country.

28. Imperialist and reactionary circles, angered by the positive changes being undertaken in the country and the increasing return of Afghans living abroad, were creating obstacles to that process: their agents used terrorism and violence, and some Afghans living abroad were sent into Afghanistan as mercenaries. His Government invited neighbouring countries to end their anti-Afghan activities and cease to hamper the movement of Kochis and the return of peaceful Afghans to their homes. That would not only help to solve the refugee problem but would also consolidate peace in the region and remove the dangers threatening Afghanistan's frontiers, thus bringing an improvement in international relations.

29. Mr. BIRIDO (Sudan) said that in his statement at the 50th meeting, the High Commissioner had reminded the international community of the grave situation of refugees in the world. Improvements in some areas had been overshadowed by serious developments elsewhere. The racist régime of South Africa had continued its barbaric policies of racial persecution and occupation against the people of South Africa and Namibia. Recently it had committed a series of unprovoked military attacks against the sister republic of Angola. Developments in Afghanistan and Kampuchea had created a growing influx of refugees to neighbouring countries. The situation in some Latin American countries had been further aggravated by recent developments in that region.

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(Mr. Birido, Sudan)

30. In the Sudan, the problem of refugees had grown both in magnitude and in complexity since 1980. There had been an influx of refugees from Chad, Uganda and Ethiopia, and their growing needs had placed a heavy burden on the Sudan's infrastructure and on its already overstrained resources. The efforts of his Government to render all necessary assistance to the refugees were based on its policy adopted at the International Conference on Refugees in the Sudan, held in June 1980. That policy was to establish regular settlements and to discourage spontaneous or instant self-settlements. Through the assistance received from the international community, the Sudan had succeeded in consolidating the existing settlements and constructing additional ones. While appreciating the action taken by the international community, the Sudan was not convinced that the reports of the Secretary-General (A/36/216 and Add.1) responded adequately to the provisions of General Assembly resolution 35/161. It would have been more helpful if those reports had contained detailed information on the recommendations and findings of the follow-up missions on the various sectoral technical missions.

31. The International Conference on Assistance to Refugees in Africa had succeeded in providing reasonable financial and material assistance to African refugees. Beyond that, however, a main achievement had been generating an international awareness, wide support and recognition of the magnitude of the refugees' plight. His delegation hoped that that momentum would be maintained. It was therefore essential for the international community to review by 1983 the progress achieved on the basis of commitments and recommendations made at the Conference and to decide on further measures of support and solidarity that might be needed at that time.

32. With regard to the report of the Executive Committee of the High Commissioner's Programme (A/36/12/Add.1), his delegation was pleased to note that a number of countries had acceded to the international instruments relating to refugees and that there was a growing awareness of the principle of non-refoulement. His delegation was, however, concerned about the repeated military attacks on refugee camps in southern Africa and elsewhere. It hoped that the report of the High Commissioner, requested by the Executive Committee, would lead to the adoption of the necessary measures to protect the refugees in southern Africa and ensure their safety.

33. On the question of strengthening the administrative capacity of UNHCR, his delegation believed that the need for expansion was justified in view of the ever-growing activities and scope of the Office. In that connexion, it welcomed the decision of the Executive Committee on the staffing proposals for 1981 and 1982 and the request for the Administrative Management Service to undertake a review of UNHCR's managerial methods and organizational structure. It expected that the proposed measures would be implemented on the basis of the principles and guidelines set by the relevant General Assembly resolutions, specifically the principle of equitable geographical distribution.



34. Mr. OSMAN (Somalia) said that as a result of the interest taken by the United Nations, the situation of refugees in Somalia seemed somewhat better than in previous years. The report of the review mission to Somalia (A/36/136) estimated that there had been over 1 million refugees in the 30 camps and 7 transit centres at the time of the mission's visit. The question of the refugee population in camps had been the subject of speculation and press commentaries, some of them not devoid of political undertones. Furthermore, extensive flooding early in 1981 had threatened a number of refugee camps and had necessitated a massive rescue operation. The rain had brought an end to the long drought, and, in that connexion, the community of donor countries, the United Nations system and non-governmental organizations active in relief work in Somalia had each been invited to nominate one representative to participate in the work of a committee mandated by the President of Somalia to reassess the camp situation. That committee was expected to complete its work and make its report at the end of November 1981. His delegation recognized the wish of the donor community to have accurate figures in order to plan relief efforts, but even more important than the number of people in camps, for the Government and people of Somalia, was the human tragedy that their situation represented.

35. In the past four years, Somalia had carried the burden of lodging a massive influx of destitute people. The economy had had to absorb the dislocations caused by that unprecedentedly large infusion of human beings seeking refuge. For a country like Somalia, itself in the grip of poverty and a succession of natural disasters, the shouldering of that burden was an act of supreme sacrifice. In that connexion, he wished to express his Government's gratitude to all the peoples and countries that had responded to its call for assistance in the spirit of fellowship and solidarity.

36. The underlying premise of the International Conference on Assistance to Refugees in Africa (ICARA) had been to provide aid to refugee-asylum countries in order to reinforce their infrastructures and protect their economies against the strains he had described. The mandate of UNHCR did not, in principle, empower it to extend its services to work of a developmental character, and the purpose of ICARA had been to meet that need; the over-all pledges of some \$566 million could go a long way towards doing so. His delegation hoped and expected that the country allocation of the funds resulting from ICARA would be commensurate with the magnitude of the refugee problem in asylum countries.

37. Under a tripartite agreement between the National Refugee Commission, UNHCR and CARE, an emergency logistical unit had been established in Somalia. In addition to the reinforcement of the transport fleet, steps had been taken to set up mechanical workshops, pumping stations and other support facilities. The construction of regional warehouses had been planned, and implementation would begin soon. In addition, improvement of the water-supply situation was tied to the completion of a joint project which was being implemented by UNICEF and the Water Development Agency of Somalia, with UNHCR funding. In the health sector, the activities of some 18 voluntary organizations were being co-ordinated and supervised by the Refugee Health Unit established in the Ministry of Health.

(Mr. Osman, Somalia)

The Somali Ministry of Education was training some 450 primary-school teachers for refugee camps under an agreement with UNHCR. Furthermore, UNHCR had arranged with the Danish Government to establish an in-service teacher-training programme designed to train an additional 500 teachers during the current academic year.

38. The search for durable solutions to the problem of refugees, which had been justifiably stressed by the Executive Committee of the High Commissioner's Programme, remained a major concern of his Government. It was conscious of the fact that short-term care and maintenance assistance was not a solution to the problem. It was aware of the social, moral and cultural side effects of such an approach, and for that reason Somalia was open to all possible schemes that would re-orient the programme towards self-help. Certain important steps to facilitate agricultural schemes had already been taken by the Government, and much more in that area and in other income-generating areas had to be done. His Government therefore believed there was a need for another interagency mission in 1982 to assess the current needs of the refugees.

39. His Government also recognized that durable solutions must be sought beyond self-help programmes and that the ideal was voluntary repatriation under conditions which allowed the refugees to return to their homes in peace and honour, so that they could be provided with assistance enabling them to become self-supporting and enjoy their human rights. Somalia therefore recognized the importance of a political resolution of the situation which had essentially created the refugee problem. He reaffirmed his Government's willingness to enter into negotiations with all parties concerned, with a view to seeking a peaceful, just and durable solution to the problem.

40. Mr. DERESSA (Ethiopia) said that under the guidance of the High Commissioner, UNHCR continued to render valuable humanitarian services in protecting and assisting millions of people uprooted from their homelands and forced to seek refuge elsewhere. That was a profound and challenging responsibility, and success or failure in that effort would depend more on the collective will of the international community and on the level of its commitment to the ideals of freedom, peace and justice than on anything which UNHCR might or might not do. So long as colonialist and racist oppression, domination and exploitation persisted, so long as interference in the internal affairs of States, intervention, foreign aggression, the use of force in international relations, and economic and social inequalities continued, the problems of refugees and displaced persons would continue to haunt the international community. UNHCR could help to mobilize funds, feed some of the hungry and provide temporary shelter for those left without homes, but it could neither reverse the negative trends in international relations nor prevent the agony of people uprooted from homes and livelihood. The ultimate solution to the refugee problem lay in the search for an equitable and just order at both the national and the international level, an order based on peace and socio-economic progress.

41. As victims of centuries of feudal oppression, repeated foreign aggression and occupation, Ethiopians were intimately aware of the ordeals of refugees and

(Mr. Deressa, Ethiopia)

displaced persons. Through the ages, they had opened their doors to those who sought refuge and had shared their limited resources with other victims of oppression, persecution and aggression. It was therefore with a deep sense of solidarity that the Ethiopian people viewed the conditions of those in refugee situations today. His Government followed with keen interest and dedication the humanitarian activities and efforts of UNHCR and the international community with regard to the problem of refugees and displaced persons.

42. The main focus of those efforts should be the people affected - the refugees and displaced persons - rather than the States concerned. Admittedly, the burden borne by some countries with a large number of displaced persons or a genuine refugee problem was tremendous and could be detrimental to their economic and social development priorities; in such situations, special consideration would be in order. In other cases, where the problem was more apparent than real, an uncritical approach by UNHCR would only serve to perpetuate the problem. The growing tendency towards formulating approaches to assistance programmes for refugees on the basis of such misplaced emphasis should be reversed. To that end, there must be serious efforts to obtain accurate data on the origin, demographic composition and actual number of refugees. That could be facilitated by the establishment of the necessary machinery within UNHCR.

43. It should also be borne in mind that there were nearly 17 million displaced persons in Africa, including 2.4 million war-displaced persons in Ethiopia. The appalling condition of those people was no less deplorable than that of the refugees. Yet, legal technicalities had so far placed them out of the reach of the humanitarian arms of most agencies within the United Nations system, while political considerations seemed to doom their cause to failure. That was a matter which deserved urgent attention. In Africa, there were two major categories of refugees: those from Namibia and South Africa, who were victims of colonialism, racism and apartheid, and those from independent African States. The international community was in duty bound to treat both categories of refugees on an equal footing in terms of material assistance, relief and rehabilitation. Those from southern Africa should be given all-around support until the last bastion of racist oppression crumbled and they were able to breathe free. For those from independent African States, the long-term solution lay, to a large extent, with the States concerned. The ratification of and strict adherence to the existing international conventions, protocols and instruments, in particular the OAU convention of 1969, which, inter alia, forbade subversion, terrorism and the use of refugees for political ends, were imperative. Respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and the principle of the inadmissibility of the use of a State's territory for terrorist activities must prevail.

44. Africa's gratitude to OAU, UNHCR and the United Nations for organizing the International Conference on Assistance to Refugees in Africa was clearly reflected in the resolution adopted at the Nairobi Summit and in the draft resolution now before the Third Committee. The funds generated as a result of ICARA should be used, first, to establish the necessary machinery for collecting information on

(Mr. Deressa, Ethiopia)

African refugees. Secondly, they should be used to finance projects aimed at facilitating either repatriation and the rehabilitation of returnees in their country of origin or the integration of refugees in the country of asylum. He reaffirmed Ethiopia's commitment to do all in its power to carry the process to its logical conclusion and to co-operate with UNHCR and with neighbouring and friendly countries. In that spirit, his Government had declared a general amnesty to enable all bona fide Ethiopian refugees to return home, had established the necessary machinery and institutions that would facilitate the process of repatriation and had arrived at agreements with neighbouring countries in that regard.

45. Mr. ADEKUOYE (Nigeria) pointed out that the behaviour of the States that comprised the international community was largely responsible for the refugee problem. His delegation noted with deep concern that that problem had grown in both magnitude and complexity, a situation that was a sad reflection of the political maturity of mankind. It was especially unfortunate that a large part of that increase had occurred in Africa, where most of the least-developed countries were located. However, his delegation noted with satisfaction that UNHCR had provided and would continue to provide much larger resources for refugees in Africa and that it was working in close co-operation with host Governments and with the Organization of African Unity in dealing with the problem. In that connexion, he welcomed the fact that virtually all the Zimbabwean refugees had at last returned home.

46. The protection of refugees was particularly difficult in Africa and worked great hardship on many States. For example, despite international condemnation, the racist South African régime was continuing its military attacks on innocent refugees in their camps. He hoped that the High Commissioner would seek urgent assistance in mobilizing efforts to protect refugees from such barbaric acts, which violated elementary decency and tended to dehumanize their situation even further.

47. While his delegation agreed that the High Commissioner's activities must be kept separate from United Nations activities relating to the root causes of refugee situations, the problem continued to grow worse because nations continued to violate the principles they had agreed to uphold. The international community must find solutions to most of the refugee problems by focussing attention on their root cause, which, more often than not, was the flagrant violation of the basic principles of the United Nations.

48. Natural disasters also created refugee problems, and in that connexion the world community must utilize scientific research in order to predict such disasters and to help reduce or offset their effects. Nevertheless, man-made disasters and the sufferings that one group of people inflicted on another constituted the most serious causes of the refugee problem. In that connexion, he stressed that the denial of the right of many peoples to self-determination, in Africa, Asia and Latin America, was one cause of the refugee problem. Oppression, violence and overt colonialism had aggravated that problem,

(Mr. Adekuoye, Nigeria)

especially in southern Africa, where the denial of the right of the people of Namibia to self-determination had had serious effects. However, the remedy to that problem lay in the immediate granting of self-determination and independence to the Namibian people.

49. In addition, the policy of racial discrimination and the administrative, political, economic and social measures adopted by the obnoxious South African régime had resulted in a South African diaspora. He pointed out that the international community had long been calling for the adoption of practical measures to compel the racist South African régime to comply with the basic norms of decency and with the Universal Declaration of Human Rights, so as to stem the flow of refugees from that part of the world.

50. In recent years, the flow of refugees had increasingly been caused by interference in the internal affairs of States. Such interference created domestic strife, which in turn led to civil war and the refugee problem. The most serious aspect of that situation was that it was so widespread. In many parts of Asia, Latin America and Africa, dissident terrorist elements had been used as surrogates of racist and imperialist forces to interfere in the internal affairs of other countries. The international community must put pressure on the offending nations to respect the sovereign independence of all States and to refrain from interfering, either militarily or politically, in their internal problems. By so doing, one of the root causes of the refugee problem could be removed.

51. Unfortunately, the history of Africa had created artificial boundaries which divided entire homogeneous communities into different national and political entities, with all the disastrous consequences that were now apparent. He hoped that respect for the basic principle of the inviolability of frontiers, which had been laid down by the founders of the Organization of African Unity, would help to curb the refugee problem.

52. Nigeria wished to express its deep appreciation to the countries that had participated in the International Conference on Assistance to Refugees in Africa, to which his country had made a modest contribution as a manifestation of its awareness of the acute refugee problem in Africa.

53. His Government also appreciated the funds provided by UNHCR to supplement the substantial expenditures on assistance to refugees, which had increased enormously. With a view to restoring peace, order and tranquillity in the countries of origin and ultimately enabling refugees to return to their homes, his Government had worked actively, through the Organization of African Unity, for the avoidance of unilateral interference in the affairs of Chad and for the sending of an OAU peace-keeping force to that country.

54. His Government participated in programmes to teach adults such basic skills as farming and handicrafts with a view to their resettlement and also provided food, clothing and basic health facilities. In addition, it continued to make a significant contribution to the education of refugees, since well-trained

(Mr. Adekuoye, Nigeria)

administrators and managers would be needed when freedom and independence were achieved in southern Africa. To that end, it provided places in secondary schools and in universities for refugees from South African aggression and oppression and from the violent occupation of Namibia.

55. In conclusion, he expressed the hope that the momentum generated by ICARA would be maintained and that the appropriate follow-up action would be carried out with equal enthusiasm.

56. Mr. HARTLING (United Nations High Commissioner for Refugees) expressed appreciation for the renewed support of his Office displayed during the debate on agenda item 83. UNHCR needed such confidence and constructive attitudes towards the refugee problem in order to carry out its activities throughout the world. In addition, the references to the humanitarian and non-political nature of its work were a source of strength; while the root causes of the refugee problem must be given priority, there were other, more appropriate forums for discussions to that end. He stressed that UNHCR's basic function was to provide international protection and that its fundamental principles of asylum and non-refoulement must be put into practice by every country, without exception.

57. In conclusion, he drew attention to the importance of international assistance in finding a lasting solution to the refugee problem; UNHCR would pursue that effort through its search for voluntary repatriation, settlement in countries of first asylum or resettlement in third countries. In that undertaking, the commitment of Governments was essential, and he expressed appreciation for all the demonstrations of such commitment provided during the current debate.

58. Mr. SIBAY (Turkey), speaking in exercise of the right of reply, observed that the allegations concerning the question of Cyprus, contained in certain statements made in connexion with agenda item 83, did not merit a response. The search for a peaceful solution was not served by such rhetoric, particularly at a time when sensitive negotiations were being held between the representatives of the two Cypriot communities. The proper place for the discussion of that problem, as had been mutually agreed, was Nicosia.

59. Mr. FELDMAN (United States of America), speaking in exercise of the right of reply, drew attention to the statement made by the representative of Viet Nam, in which she asserted that the willingness of the United States to resettle refugees from Viet Nam and the use of the Seventh Fleet to save "boat people" from drowning on the high seas were part of a deliberate attempt to destabilize the countries of Indo-China and to sabotage the Vietnamese Government.

60. The ludicrousness of those charges should not obscure the important issue raised of the reasons for the continuing exodus of refugees from the Communist countries of Indo-China. Clearly, half a million Vietnamese, who were traditionally reluctant to leave their homeland and their ancestors' graves, could not be induced by the mere possibility of rescue at sea and the uncertain prospect of resettlement to uproot themselves and risk rape, pillage and murder on the



(Mr. Feldman, United States of America)

high seas, especially when their immediate destination, if they survived, was a crowded refugee camp.

61. The only previous instance of such an exodus had occurred when one million people had fled from the Communist North after the division of Viet Nam in 1954. One might wonder, therefore, how the current exodus could be explained. It surely could not be attributed to the establishment of resettlement quotas or to the Voice of America, which broadcast factual information about the enormous risks involved in escape by boat. The explanation lay in the suffering that the present Vietnamese régime imposed on the Vietnamese people through the establishment of a new totalitarian order in the country. As had been indicated in an article published in The New York Times on 22 August 1981, the refugees felt a sense of hopelessness and loss of faith that Viet Nam, under its current régime, would become a livable country in their lifetime.

62. The causes for the flight of so many refugees could be found in the persecution and expulsion of the ethnic Chinese minority, most of whom were members of families that had lived in Viet Nam for more than three generations, in the persecution of the entire Catholic and Buddhist population, in the operation of a vast system of penal camps, in the wholesale destruction of family ties, social traditions and even the ability to earn a living. People's lives had become so destabilized that they had no hope for their future or for that of their children.

63. However, the representative of Viet Nam had tried to turn acts of civilized mercy and humanitarian feeling into terrorism and attempts at destabilization. In his delegation's opinion, to rescue the drowning, to feed the hungry and to heal the sick represented the very essence of humanity, although the Vietnamese delegation seemed to believe that the people thus suffering should be left to die. The Vietnamese Government appeared to be dissatisfied with the results of its own persecution and wished to have the civilized world become its accomplices. However, the nations of the world, led in that instance by the countries of the ASEAN group, had refused to do so.

64. The Government and people of the United States were proud of what they had been able to do to help so many of the homeless and suffering, but above all, they hoped that the crisis soon would end and looked forward to the day when the people of Viet Nam could live in peace in their own homes.

65. Mr. PHEDONOS-VADET (Cyprus), speaking in exercise of the right of reply, said his delegation agreed with the representative of Turkey that the problem of Cyprus should be solved in Cyprus, by the interested parties. Nevertheless, the moderate tone of the representative of Turkey did not change the facts, namely, that one third of the population of Cyprus had been forcibly expelled from their homes seven years earlier and had, since that time, been referred to as displaced persons. The truth was, however, that they had become refugees in their own country as a result of Turkey's armed intervention.



66. Mrs. NGUYEN BINH THANH (Viet Nam), speaking in exercise of the right of reply, expressed regret at the fact that the representative of the United States had felt obliged to disturb the atmosphere of understanding that had prevailed during the debate on agenda item 83, which was an entirely humanitarian item. In her statement, she had limited her remarks to humanitarian considerations and had shown considerable restraint towards all delegations.

67. The representative of the United States had expressed great compassion for refugees, but she asked him to comment on the recent drowning of 33 black refugees from Haiti off the coast of Florida. She pointed out that the refugees' attempts to land had failed because they had been trying to avoid being intercepted by the United States Coast Guard, which would have sent them back to Haiti. She wondered whether that incident reflected a policy of justice or whether it was the result of the racist immigration policy of the United States.

AGENDA ITEM 79: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/36/L.43/Rev.1, L.44 and L.46)

- (a) IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTIONS 34/46 AND 35/174: REPORT OF THE SECRETARY-GENERAL (continued)
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

68. The CHAIRMAN drew attention to draft resolution A/C.3/36/L.43/Rev.1 and to the amendments thereto contained in documents A/C.3/36/L.44 and A/C.3/36/L.46.

69. Mrs. de BARISH (Costa Rica), introducing draft resolution A/C.3/36/L.43/Rev.1, pointed out that the revised text reflected the sponsors' efforts to take into account the amendments contained in document A/C.3/36/44, as well as the observations made in connexion with the original draft.

70. She stressed that the sponsors had revised the original text, which was basically procedural, in a spirit of conciliation and that they had yielded on many points, thus considerably weakening the original draft. They strongly believed in the need to retain the viewpoint expressed in paragraph 1, and even those delegations which did not support the proposal contained in the draft could recognize the importance of the issue of human rights.

71. She also pointed out that paragraph 2 was essential if the conclusions and recommendations of the Commission on Human Rights were to be transmitted to the General Assembly at its thirty-seventh session. The revised paragraph 3 took into account the amendments to the original text of that paragraph which were contained in document A/C.3/36/L.44. The same was true of the changes made in the fourth preambular paragraph.

72. She hoped that the efforts made by the sponsors, sacrificing a great deal of the original text in order to mitigate the objections thereto, would be accepted

(Mrs. de Barish, Costa Rica)

in the same spirit of conciliation and that the Committee would thus adopt the revised draft resolution, which merely requested that due consideration should be given to the proposal for the establishment of a post of High Commissioner for Human Rights.

73. Mr. RANGASHARI (India) pointed out that a comparison of document A/C.3/36/L.43/Rev.1 and the amendments thereto contained in document A/C.3/36/L.44 showed that many problems still remained. While it was true that the draft was essentially procedural, some aspects of it were substantive. As his delegation had clearly indicated, India did not favour the creation of a post of High Commissioner for Human Rights. In its opinion, the powers of the Director of the Division of Human Rights were adequate to deal with human-rights problems. In that connexion, he asked whether violations of human rights stemmed from the lack of adequate institutions or resources. As his delegation had pointed out during the debate on agenda item 79, the resources of the Division of Human Rights had increased by 72 per cent since the previous biennium, while the number of communications received and the number of countries from which they had come had increased proportionately. Logically, therefore, it would appear that more resources created more human-rights violations. His delegation believed that the existing structures, such as the various human-rights bodies and special rapporteurs, were sufficient.

74. He asked precisely what the task of the High Commissioner for Human Rights would be. If it was to use his good offices, then the Secretary-General was currently carrying out that task effectively. He asked whether the High Commissioner for Human Rights would be asked to investigate specific situations. The answer seemed to lie in paragraph 93 of document A/36/462, which indicated that the fundamental question pertained to the political will of Member States and in which there was no mention of any need for new structures.

75. He pointed out that many of the sponsors of the draft resolution under consideration were the same delegations which, on other human-rights questions, had drawn attention to such problems as financial implications. He asked whether the question of financial implications was not relevant in connexion with draft resolution A/C.3/36/L.43/Rev.1. Perhaps the time spent on the current issue was expected to divert attention from more important issues. Clearly, there was no agreement in the Committee, even on the principle of there being a High Commissioner for Human Rights.

76. It was regrettable that the text which the sponsors, in particular the representative of Italy, had presented on 13 November and which had been discussed for several days thereafter was not the text contained in document A/C.3/36/L.43/Rev.1. As his delegation had indicated, it could have accepted the earlier text without a vote and he had been surprised that some sponsors had objected to the revisions introduced by another sponsor. Such a situation made it difficult to negotiate in good faith.

77. It had also been stated during the same consultations the previous week that it was impossible to reach a consensus on human-rights issues. However, consensus

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(Mr. Rangashari, India)

had been reached on the draft Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. It was important to strive for consensus because otherwise the decisions reached would later be viewed as mere scraps of paper.

78. In his delegation's opinion, the proposals contained in draft resolution A/C.3/36/L.43/Rev.1 were not a matter of urgency or priority. On the other hand, draft resolution A/C.3/36/L.41/Rev.1 on the right to development, submitted the previous week, had had priority in the Commission on Human Rights, and the Committee must take a decision on it during the current session, whatever the difficulty in reaching agreement. Under the circumstances, he did not see how his delegation could be expected to give priority to draft resolution A/C.3/36/L.43/Rev.1.

79. He had been asked why India, a democratic country, should fear the establishment of a post of United Nations High Commissioner for Human Rights, but his delegation's opposition to such action had no relation to India's devotion to democracy any more than the opposition of certain delegations to the draft resolutions on apartheid and the elimination of racial discrimination was an indication of their opposition to the elimination of those two evils. The question at issue was not one of commitment to human rights but one of specific proposals which his delegation did not support.

80. He proposed a number of amendments to the text of A/C.3/36/L.43/Rev.1. He could not accept the phrase "with the attention required by the importance of the issue" in paragraph 1. The working paper in the Commission on Human Rights which referred to the question put that item last in the list of priorities, and he could not see why the General Assembly should say that the issue was important. The phrase should be replaced with the words "as one of the issues deserving its attention among others to be discussed under the relevant item of its agenda". Paragraph 2 should be changed to read "Further requests the Commission on Human Rights to submit to the General Assembly at its thirty-seventh session through the Economic and Social Council the results of its deliberations at its thirty-sixth session". To request the Commission to submit its report to the General Assembly and not to the Economic and Social Council would be contrary to the rules of procedure. Furthermore, since the text was a procedural draft, the Commission should be allowed to decide what it wanted to submit. With regard to paragraph 3, the amendments submitted in A/C.3/36/L.44 had referred to the views of Member States at the thirty-sixth session of the General Assembly; those words had not been included in the revised draft. He therefore proposed that the words "and also the views expressed by Member States at the thirty-sixth session of the General Assembly" should be inserted in paragraph 3 immediately after the title of the agenda item.

81. He stressed the importance his delegation attached to those amendments and its opposition to the inclusion of value judgements in what was intended as a procedural text. If the difficulties encountered by his delegation were not resolved, it would have to vote against the draft resolution. He therefore hoped that the sponsors could accept his amendments.

82. Mr. MATELJAK (Yugoslavia) said that his delegation fully supported the proposals made by the representative of India. While Yugoslavia was prepared to discuss in any body the question at issue, it could not agree that the Commission on Human Rights should give it special treatment. A High Commissioner for Human Rights could do little about eliminating apartheid, putting an end to the violations of the right to self-determination, improving the economic situation of developing countries and stopping the arms race, all of which the developing countries considered truly important for the implementation of human rights. All he would be able to do would be to play the role of an international policeman to see how far developing countries implemented certain concepts of human rights. There was no need for such a High Commissioner, and his delegation did not feel that the issue was an important one.

83. Mr. BOUYOUCÉF (Algeria), Mr. RIGIN (Indonesia) and Mr. RAZZOQI (Kuwait) said that they fully supported the amendments made by the representative of India.

84. Mr. DANOVI (Italy) said that the statement by the representative of India seemed to assume that the draft resolution was intended to establish a post of United Nations High Commissioner for Human Rights. In fact, it suggested merely that the item should be considered and that the Commission on Human Rights should produce recommendations, without specifying what those recommendations should be. The Commission on Human Rights was entirely free to decide whatever it wished. He did not feel that the text prejudged the work of the Commission on Human Rights and felt that it was indeed essentially a procedural one.

85. There were other elements in the statement made by the representative of India with which he could not agree. Formally imposing the rule of consensus in the Commission on Human Rights was tantamount to making the deliberations of the Commission subject to the right of veto. That was entirely unacceptable to his delegation. Furthermore, the suggestion made by the representative of India that its amendments were in line with the proposals made by the Italian delegation at an earlier meeting of the Committee was incorrect. The Indian amendments to paragraph 2 were totally different, and there were even some slight differences in the amendments to paragraph 1. On the whole, however, the Indian proposals were not entirely objectionable, and he wished only to make two minor changes. First, he would replace the words "its attention" in paragraph 1 with the word "priority". His delegation did not agree that the proposal to establish a post of High Commissioner was the least important one before it. Secondly, he would add after the words "the results of its deliberations" in paragraph 2 the words "including the proposals adopted". He assumed that those amendments to the draft were acceptable to the other sponsors.

86. Mr. DERESSA (Ethiopia) said that, while the efforts of the representatives of Costa Rica and Italy to accommodate different views were indeed laudable, the draft presented in A/C.3/36/L.43/Rev.1 still could not be considered purely procedural in nature. He agreed with the representatives of India and Yugoslavia that the basic point at issue was what the role of a High Commissioner would be, how effective he would be, how he would enhance the promotion of respect for

(Mr. Deressa, Ethiopia)

human rights, and whether the creation of such a post would help to promote human rights in areas of concern to the majority of Member States. If the High Commissioner was indeed to be some sort of international policeman, Ethiopia could not agree that that would be the best approach to the promotion of human rights, a goal which should be pursued through persuasion rather than coercion. While agreeing with the representative of Italy that the principle of consensus was not entirely applicable, he considered it important to bear in mind that little could be achieved without the co-operation of all States. He could not understand why, year after year, the Committee was confronted with a draft on which there was a clear lack of interest. It would be more prudent to pursue other approaches rather than trying to force an issue which should not be an issue at all at the current stage. The additions made by the representative of Italy brought the Committee "back to square one", and his delegation could not support the amendments as proposed.

87. Mr. CORTI (Argentina) said that the sponsors of A/C.3/36/L.43/Rev.1 and those of A/C.3/36/L.44 had now made their respective positions clear, and it would be appropriate if the Committee voted on A/C.3/36/L.43/Rev.1 and the Indian amendments to it, since the subamendments made by the representative of Italy represented a return to "square one". With regard to procedure, he felt that to keep the words "conclusions and recommendations" in paragraph 2 was to prejudge the work of the Commission on Human Rights.

88. Mrs. de BARISH (Costa Rica) emphasized once again that the sponsors of the draft resolution were not proposing the establishment of a post of a United Nations High Commissioner for Human Rights but asking that the issue should be considered fully. The main question was one of improving the capacity of the international community to react to violations of human rights. In that connexion, she drew the attention of the Committee to paragraphs 17 and 18 of document A/36/462, which referred to the grave shortcomings in international reactions to gross violations of human rights and were quite explicit with regard to the difficulties faced by the international community in fulfilling the obligations of all States deriving from membership in the United Nations. For that reason, her delegation had worked on specific proposals to realize the ideals of the United Nations Charter through the establishment of a post of United Nations High Commissioner for Human Rights, taking into account the excellent work done by the United Nations High Commission for Refugees. It continued to regard such action as a good way to help ensure the enjoyment of human rights and freedoms for all, something that should not be tied to such matters as disarmament and economic development, which fell within the competence of other bodies.

89. She said that the amendments contained in A/C.3/36/L.44 had been taken into account in the revised draft. The third and fourth preambular paragraphs had been accepted, the words "highest priority" had been deleted from paragraph 1, in paragraph 2 the words "substantive recommendations" had been replaced, and paragraph 3 now included virtually all the proposed amendments. While the sponsors of the current procedural draft resolution had not been prepared to argue for the establishment of the post of High Commissioner, such arguments had

(Mrs. de Barish, Costa Rica)

been put forward in a draft resolution in 1977, which would have been voted on if the vote had not been blocked by a procedural manoeuvre. Her delegation therefore felt that the question should be studied and that the idea of a study would not prejudice the work of the Commission on Human Rights.

90. Her delegation supported the subamendments of the representative of Italy to the Indian amendments. The phrase "including the proposals adopted" contained nothing of substance, and, all in all, the revised draft with the Italian subamendments was a most reasonable one.

91. In conclusion, she expressed the hope that the post of the United Nations High Commissioner for Human Rights would become a reality and that delegations would be convinced of the usefulness of such an office.

92. Mrs. FLÓREZ (Cuba) said that the approach taken in the revised draft tended to prejudice the work of the Commission on Human Rights. Her delegation did not consider the proposal to establish a post of High Commissioner to be either advisable or opportune. Existing structures within the United Nations systems were quite adequate, and there was no necessity to create new offices which would have an adverse effect on the work of the United Nations. The draft lacked balance and could not be regarded as a purely procedural text. Her delegation supported the views expressed by India and other delegations opposing the draft resolution. It felt that the text should be changed in those areas referred to by the representative of India and hoped that the sponsors could make an additional effort in that direction. If not, her delegation would have to vote against the revised draft.

93. Mr. OBADI (Democratic Yemen) said that a post of High Commissioner would overlap with existing bodies. He reaffirmed the previously stated position of his delegation and said that it fully supported the views put forward by the delegations of India and Yugoslavia. It endorsed the amendments submitted by the representative of India and would be obliged to vote against the draft resolution as contained in document A/C.3/36/L.43/Rev.1.

94. Mr. RANGASHARI (India) said that the word "priority" in the Italian subamendment to paragraph 1 should be changed to "such priority as the Commission may accord" in order to avoid introducing value judgements into the text. Indeed, if the text was a purely procedural one, he wondered why the representatives of Costa Rica and Italy could not simply request the Commission on Human Rights to consider the question. As for the second subamendment suggested by the representative of Italy, he would like to know what distinction the Italian delegation made between "results" and "proposals".

95. Mr. GARVALOV (Bulgaria) reaffirmed his delegation's opposition to the establishment of a post of High Commissioner and disputed the idea that the revised draft was a purely procedural text. The request that the Commission should submit conclusions and recommendations to the General Assembly could be interpreted only as requesting the Commission to take decisions on the substance



(Mr. Garvalov, Bulgaria)

of the issues. Secondly, rearranging the decision taken by the Commission at its thirty-seventh session and speaking of "the desirability of the establishment of a post of High Commissioner for Human Rights" was certainly prejudging the issue to be put before the Commission. Thirdly, the request that the Commission should consider the issue as a matter of priority and should submit conclusions and recommendations would make it impossible for the Commission to take a decision such as 6 (XXXVII), informing the General Assembly through the Economic and Social Council that no decision had been reached.

96. To correct some factual details, he pointed out that the Commission had no agenda item entitled "Overall analysis" but had been considering the matter under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

97. On the questions of consensus, he said that the Commission on Human Rights was already working on the principle of general agreement and it was not up to the General Assembly to ask it to change. He pointed out that the resolution referred to by the representative of Costa Rica had been shelved and not acted upon because the Third Committee had not reached general agreement.

98. His delegation would vote against draft resolution A/C.3/36/L.43/Rev.1. If it was amended to become a purely procedural one, his delegation would have no serious objections, just as it did not oppose a serious discussion in the Commission, which already had the matter before it and would consider it again at its thirty-eighth session.

99. Mr. WALKATE (Netherlands) said that his delegation could accept the subamendment suggested by the Italian representative. It was remarkable that the Committee should spend so much time on a purely procedural proposal; the time had come to take a decision.

100. Mr. ASANTE (Ghana) said that the heart of the draft resolution was paragraph 1, which merely requested that an idea should be considered with the attention it deserved. The conclusions of the Commission on Human Rights on that idea would surely not be shelved but would have to be considered by the General Assembly, as provided for in paragraph 2. If the Commission reached a negative conclusion, the General Assembly would have to consider abandoning the matter. The draft resolution in no way prejudged the issue, as the Cuban representative had claimed. That representative had also expressed the view that the existing system was adequate, but that was a moot point.

101. The representative of India had engaged in semantics, his only point of substance having been to ask why the question could not be merely considered by the Commission on Human Rights. But following such consideration, the Commission would necessarily have to make recommendations on which the General Assembly could take appropriate action.



(Mr. Asante, Ghana)

102. The draft resolution was purely procedural and was designed simply to ensure that the matter would be settled once and for all.

103. Mr. BYKOV (Union of Soviet Socialist Republics) said that more than half the delegations that had spoken during the general discussion on resolution 35/175 had expressed their strong opposition to the proposal to establish a post of High Commissioner for Human Rights. The sponsors of draft resolution A/C.3/36/L.43 had made no effort to refute the arguments against the proposal and had offered no convincing argument in favour of it.

104. The creation of a post of High Commissioner would mean that attention would be diverted from such urgent problems as apartheid and human-rights violations in the occupied Arab territories. The issue was not merely a procedural one, as had been claimed. The concern of the sponsors that the Commission on Human Rights should consider it was unnecessary, since the Commission would do so in any event.

105. Some of the sponsors which were members of the Commission on Human Rights had submitted many proposals in that body, a fact to which they had made no reference in the Committee. In claiming that the issue should have priority, those delegations were denying the importance of other resolutions which they themselves had sponsored.

106. The representative of Italy had objected to having decisions adopted by consensus in the Commission on Human Rights. Yet the Italian delegation in the Commission had participated in a decision taken by that method on the further procedure to be followed. Draft resolution A/C.3/36/L.43 was designed to undermine the Commission's procedure and hamper its work on a number of serious issues before it.

107. On most issues, delegations endeavoured to reach decisions without a vote, in a spirit of understanding and a desire for unity, as they had done in the case of the Draft Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination Based on Religion or Belief.

108. His delegation could not agree to having the draft resolution include any reference to the post of High Commissioner for Human Rights. It did not even wish to adopt a procedural resolution in the matter, but the minimum amendments that had been proposed would make the draft resolution more or less acceptable, and the sponsors should show some goodwill in that direction. Draft resolution A/C.3/36/L.43/Rev.1 would be unacceptable to his delegation either in its present form or with the subamendments to the amendments. He appealed to the sponsors to agree on a mutually acceptable solution in order that the discussion might be concluded as speedily as possible.

109. Mr. ADEKUOYE (Nigeria) welcomed the efforts of the sponsors of draft resolution A/C.3/36/L.43/Rev.1 to accommodate many of the views that had been expressed. His delegation had, in the past, abstained in the vote on similar draft resolutions. The political climate in his country had now changed. There

(Mr. Adekuoye, Nigeria)

was a new constitution guaranteeing the human rights of every Nigerian, and a Commissioner for Public Complaints had been appointed. It would hardly be logical, therefore, for his delegation to oppose the appointment of a United Nations High Commissioner for Human Rights. However, since a number of other delegations were unable to support the idea without further consideration, his delegation would not prejudge the issue. It could accept draft resolution A/C.3/36/L.43/Rev.1 in that spirit.

110. Mr. DANOVI (Italy) said that, in the light of the discussion that had taken place in the Committee, it would be difficult to deny that the question of the establishment of a post of High Commissioner for Human Rights, even though controversial, was an important issue.

111. He had attended the thirty-second session of the General Assembly; the assertion by the representative of Bulgaria that the issue had been shelved at that session was not entirely correct. The General Assembly had referred the matter to the Commission on Human Rights for consideration. That decision had been taken not by general agreement but by an extremely close vote.

112. Replying to the question raised by the representative of India, he said that his proposal to amend the end of the Indian amendment to paragraph 2 of the draft resolution so as to read "... including the proposals adopted at its thirty-eighth session" did not mean that the Commission on Human Rights would be requested to produce proposals; it meant merely that any proposals it might adopt should be submitted to the General Assembly at its thirty-seventh session.

113. Mr. OSMAN (Somalia) said that, in his delegation's view, draft resolution A/C.3/36/L.43/Rev.1 was purely procedural, and it would be appropriate for the Committee to adopt it by consensus. There had been a well-orchestrated endeavour by a group of Committee members to convince the silent majority that the subject-matter of the draft resolution was substantive. The same group had argued that the establishment of a post of High Commissioner for Human Rights could serve no purpose so long as the arms race continued and such problems as apartheid remained unsolved, and that it would impede the activities of the various bodies in the United Nations system dealing with human rights. But the fact was that it had been decided to establish a post of High Commissioner for Refugees to co-ordinate the activities of the many international and regional organizations and non-governmental organizations dealing with refugees. It had similarly been decided to establish a high-level post to co-ordinate the activities of the many agencies dealing with socio-economic development. The establishment of a post of High Commissioner for Human Rights would complement the activities of such bodies as the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee against Apartheid. He therefore urged delegations to adopt draft resolution A/C.3/36/L.43/Rev.1 by consensus.

114. Mr. FAREED (Pakistan) observed that, in submitting all their various amendments, subamendments and sub-subamendments, delegations were engaging in a

(Mr. Fareed, Pakistan)

word game that could go on interminably. It would be unfortunate if, after so long a discussion, the Committee was unable to take any action on the draft resolution. He therefore appealed to the representatives of Italy and India to withdraw their subamendments, so that the Committee could revert to consideration of draft resolution A/C.3/36/L.43/Rev.1 and the Indian amendments thereto.

115. Mr. DANOVI (Italy) pointed out that his delegation and others had submitted the original draft resolution A/C.3/36/L.43, which corresponded with their ideas, and it had been in an effort to take account of the views of other delegations that they had later submitted the revised version. His delegation would be prepared to proceed to a vote on draft resolution A/C.3/36/L.43/Rev.1 and withdraw its subamendments if India would withdraw its amendments.

116. Mr. RANGASHARI (India) said that if the Italian delegation had agreed that the Italian and Indian subamendments should be withdrawn, his delegation would have been prepared to agree that a vote should first be taken on its amendments and then on the text of draft resolution A/C.3/36/L.43/Rev.1 as a whole. Since the Italian delegation had not agreed to that course, he wished to propose further subamendments.

117. Mrs. WARZAZI (Morocco), speaking on a point of order, moved the closure of the debate under rule 117 of the rules of procedure.

118. Mr. RANGASHARI (India) said that before a decision was taken on the Moroccan motion, he should be granted the minimum courtesy of being allowed to complete his statement.

119. The CHAIRMAN said that rule 117 of the rules of procedure stipulated that a representative may at any time move the closure of the debate on the item under discussion, whether or not any other representative had signified his wish to speak. He was therefore bound to ask whether any other speaker wished to oppose the motion.

120. Mr. DERESSA (Ethiopia) pointed out that the representative of India had been in the process of submitting a subamendment at the time when the representative of Morocco had moved the closure of the debate. If the discussion was to be suspended in order to proceed to a vote, it was not clear on what precise proposal the Committee would be voting.

121. Mrs. WARZAZI (Morocco) said that a vote should be taken on the amendments and subamendments that had been proposed and the debate should be closed.

122. The CHAIRMAN said that, although the provisions of rule 117 of the rules of procedure were clear, the representative of India could conclude his statement if the representative of Morocco had no objection; after that statement, the Committee would finish the debate and proceed to the vote.

123. Mr. RANGASHARI (India) pointed out that rule 117 referred to any representative who had signified his wish to speak, not to any representative who was in the process of speaking.

124. He had proposed that paragraph 1 of the draft resolution should read: "Requests the Commission on Human Rights at its thirty-eighth session to consider this question as one of the issues deserving its attention among others to be discussed under the relevant item of its agenda". The representative of Italy had suggested that the words "its attention" should be replaced by the word "priority" and his delegation had then suggested that the relevant wording should be "such priority as the Commission may accord". The paragraph would then read:

"Requests the Commission on Human Rights at its thirty-eighth session to consider this question as one of the issues deserving such priority as the Commission may accord, among others to be discussed under the relevant item of its agenda".

125. His delegation had further proposed that paragraph 2 should be amended to read: "Further requests the Commission on Human Rights to submit to the General Assembly at its thirty-seventh session, through the Economic and Social Council, the results of its deliberations at its thirty-eighth session". The Italian delegation had then suggested that the words "including the proposals adopted" should be inserted after the words "the results of its deliberations". His delegation would prefer the insertion of the words "including agreed proposals, if any".

126. Mr. DANOVI (Italy), replying to a question by the CHAIRMAN, said that his delegation maintained the subamendment it had proposed to the Indian subamendment to paragraph 1.

127. Mrs. de BARISH (Costa Rica) requested a recorded vote on the amendments and subamendments and draft resolution A/C.3/36/L.43/Rev.1 as a whole.

128. Mr. BYKOV (Union of Soviet Socialist Republics), speaking on a point of order, said that the third so-called subamendment put forward by the Italian delegation was an entirely new proposal. He drew attention to rule 130 of the rules of procedure, which stipulated that a motion was considered an amendment to a proposal if it merely added to, deleted from or revised part of the proposal.

129. Mr. DERESSA (Ethiopia) said that it would be difficult for his delegation to vote on the various amendments and subamendments in the absence of a written text.

130. The CHAIRMAN observed that a difficult situation had arisen. Members had engaged in a procedural debate of no value to anyone. He had to uphold the rules of procedure and to endeavour to conduct the Committee's meetings in a sensible way.

131. Mr. DANOVI (Italy), referring to the comments of the representative of Ethiopia, agreed that it would be difficult to proceed to a vote on all the various amendments and subamendments that had been proposed. On behalf of the sponsors, he withdrew draft resolution A/C.3/36/L.43/Rev.1, under rule 122 of the rules of procedure, in favour of the original draft resolution A/C.3/36/L.43, with the amendments contained in document A/C.3/36/L.44 and the subamendments contained in document A/C.3/36/L.46.

132. Mr. GARVALOV (Bulgaria) pointed out that rule 122 stipulated that a motion could be withdrawn by its proposer at any time before voting on it had commenced. Voting had commenced on draft resolution A/C.3/36/L.43/Rev.1, and it therefore could not be withdrawn.

133. The CHAIRMAN, following consultation with the Office of Legal Affairs, ruled that draft resolution A/C.3/36/L.43/Rev.1 could be withdrawn, and a vote taken, in accordance with the Italian proposal on draft resolution A/C.3/36/L.43, the amendments in document A/C.3/36/L.44 and the subamendments in document A/C.3/36/L.46. All other amendments, subamendments and sub-subamendments had now been dropped from consideration.

134. Mr. BYKOV (Union of Soviet Socialist Republics), speaking on a point of order, said it was his delegation's understanding that voting had already begun.

135. The CHAIRMAN said that although the Committee had been about to proceed to a vote, the voting process itself had not begun. He now invited the Committee to vote on draft resolution A/C.3/36/L.43, the amendments in document A/C.3/36/L.44 and the subamendments in document A/C.3/36/L.46.

136. Mr. RANCASHARI (India) said that he too had understood that voting had begun and that delegations had been entitled to speak only on points relating to the voting process. The facts could easily be established from the summary record.

137. He had offered to withdraw his subamendments if the Italian delegation would do the same. The representative of Italy was now proposing that the Committee should take either the original language or revised language proposed by the Italian delegation. If the Committee decided to delete the fourth preambular paragraph of draft resolution A/C.3/36/L.43, as proposed in document A/C.3/36/L.44, and if the Italian delegation then wished to replace the paragraph with another text, his delegation could understand the position, but the Committee was not being given that option. The entirely new Italian proposal could have been put forward as a revision, but not as an amendment or subamendment.

138. If the words "as a matter of the highest priority" in paragraph 1 were deleted, the paragraph would become strictly procedural. The Italian delegation wished, however, to replace those words with the words "with the urgency required by the importance of the issue"; if they were to be replaced, his delegation would prefer them to be replaced by the words "with such urgency as required".

(Mr. Rangashari, India)

139. He suggested that the words "including concrete proposals" in paragraphs 3 and 4 of document A/C.3/36/L.46 should be amended to read "including agreed proposals, if any" and that the amendment in paragraph 5 should read "and to examine the results of these discussions at its thirty-seventh session".

140. The words "with regret" in the third preambular paragraph of draft resolution A/C.3/36/L.43 should be deleted, and the fourth preambular paragraph should also be deleted. If the representative of Italy insisted on a subamendment to that preambular paragraph, he suggested that the word "important" should be deleted and that the words "within the framework of the agenda item" should be added at the end of the Italian amendment.

141. The Committee should first vote on the proposal to delete the fourth preambular paragraph, and if it decided against such deletion, his delegation would propose that the paragraph should read: "Also noting that the Commission on Human Rights has been seized of this question since its thirty-fourth session within the framework of the agenda item...", with the title of the Commission's agenda item at the end.

142. Paragraph 1 would then read: "Requests the Commission on Human Rights to consider this question at its thirty-eighth session under the item entitled '...', with such urgency as required".

143. Paragraph 2 would read: "Further requests the Commission on Human Rights to submit through the Economic and Social Council to the General Assembly at its thirty-seventh session agreed proposals, if any, in regard to this question".

144. Paragraph 3 would read: "Decides to resume consideration of the question of the establishment of a post of United Nations High Commissioner for Human Rights, also taking into account the results of the discussions in the Commission on Human Rights and agreed proposals, if any, and also the views expressed by Member States at the thirty-sixth session of the General Assembly under the agenda item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms' and to examine the results of these discussions at its thirty-seventh session".

145. Mrs. WARZAZI (Morocco) said that the Committee could not proceed to a hypothetical vote. If the representative of India wished to propose any subamendments to the Italian amendments, he should do so forthwith.

146. The CHAIRMAN said that, throughout the discussion, the Committee had seen a series of hypothetical moves by one side or another. He requested the representatives of India and Italy to discuss their various amendments and subamendments together privately, with a view to submitting a mutually acceptable text at a later meeting.

The meeting rose at 8.20 p.m.