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SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. SHERIFIS (Cyprus)

CONTENTS

AGENDA ITEM 66: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES

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

1. Mr. LIU (Assistant Secretary-General for Political Affairs), replying to the complaints made at the 38th meeting by the representatives of Iraq and the Syrian Arab Republic regarding the delay in the distribution of the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, said that the matter had been investigated and that the Secretary-General recognized the validity of those remarks and would take the necessary steps consistent with the established schedule of priorities under the agenda and with budgetary restrictions to ensure that all documents were made available as rapidly as possible.

AGENDA ITEM 66: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES  
(A/36/582, Add.1 and Corr.1)

2. Mr. VAN WELL (Federal Republic of Germany), observing that the item under discussion had been introduced by his Government at the thirty-fifth session of the General Assembly, said that so far the response of the international community had been encouraging, reflecting a general awareness of the scale of the international refugee problem, and augured well for the prospects of a consensus being reached in the United Nations on the extensive preparatory discussions recently held among all regional groups, together with the views, comments and suggestions made by Member States pursuant to General Assembly resolution 35/124 would contribute to a broad-based agreement on internationally acceptable solutions to the problem of how to avert new massive flows of refugees. Moreover, the award of the Nobel Peace Prize for the second time to the Office of the United Nations High Commissioner for Refugees was indicative of international concern over the intolerable proportions which the refugee problem had now reached and gave added impetus to current joint efforts to initiate preventive political action.

3. The Government of the Federal Republic of Germany favoured the setting up of a group of governmental experts to undertake a comprehensive review of the problem in all its aspects, with a view to developing appropriate means of international co-operation leading to general guidelines and practical measures. It had emerged during the two conferences on refugees held in Geneva in July 1979 and May 1980 not only that the United Nations had great difficulty in calling such conferences at short notice but, moreover, that there were no resolutions or guidelines to be followed by the Secretary-General or other United Nations bodies in initiating preventive action. However, the guiding elements for international co-operation already in existence, namely, the relevant provisions of the Charter and the United Nations Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and other international instruments, could be integrated in a set of guidelines in order to enhance and strengthen timely international co-operation in situations of crisis.

4. The United Nations machinery for providing humanitarian care, although it was fairly comprehensive and its growth over the years mirrored increasing awareness on the part of the international community of its responsibilities towards

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(Mr. Van Well, Federal  
Republic of Germany)

refugees, tended to be geared purely to post factum protection and relief. The existing arrangements were not sufficient in themselves to prevent a perpetual recurrence of the problem of the flight of refugees across international borders with all its attendant sufferings and deaths. It was now time for the international community, rather than to resign itself to being powerless to help, to take preventive action to avert new massive flows of refugees, primarily through political co-operation among States, since the traditional humanitarian aspects would come under the authority of the existing relief agencies. The massive movements of refugees, which had unfortunately increased in recent years, were a primary concern on account of their potentially dangerous international consequences. The possibilities must therefore be explored for improving international co-operation in order to take early action to avert new flows of refugees or to reduce the scale of such exoduses. It was a question, not of settling the political accounts of the past, but of seeking solutions and improvements for the future.

5. A first step towards agreement on the necessary arrangements for early action to tackle impending refugee problems before they developed into crises was to raise the level of political awareness. A United Nations resolution accepted by the broadest possible majority, i.e., ideally, by consensus, would further strengthen existing international awareness of the issue and would lay the groundwork for further fruitful co-operation. The second step to be taken was to establish a working body to define an integrated approach for making the best possible use of existing United Nations instruments and declarations governing co-operation among States. Many fundamental rules would also be found in a number of regional instruments, such as the Charter of the Organization of African Unity, the Charter of the Organization of American States and the Pact of the League of Arab States.

6. Co-operation in averting new massive flows of refugees should not however be confined to the ambit of specific international or regional instruments, but should be established in the wider context of good-neighbourly relations among States, which were governed by the principle of solidarity which was the basis of international relief efforts in the event of disasters leading to refugee movements, the principle of due respect on the part of States for each other's legitimate interests, the rule of good faith on the part of each State in the discharge of its international duties and obligations, and the need for all States to conduct their affairs with predictability and reliability. That corpus of global, regional and bilateral norms, rules and principles should be used to tackle the refugee problem by preventive action at the political level. His Government trusted that such an approach would result in the establishment of an effective means of international co-operation, including the elaboration of a set of guidelines.

7. As far as the institutional aspects were concerned, there was a variety of approaches to the question of whether or how the existing rules and mechanisms could be improved. It would be premature to indicate any preference with regard to the various options available, which were to broaden the existing terms of reference of the various United Nations bodies and specialized agencies, to devise

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(Mr. Van Well, Federal  
Republic of Germany)

new terms of reference for them or to create new bodies within the United Nations system. It should also be borne in mind that countries faced with a refugee problem might not necessarily wish to take any action which might have wide political implications. Any recommendations regarding the institutional framework should therefore be geared to making it easier rather than more difficult for Member States to call on the international community for assistance. Moreover, since regional organizations provided an easily accessible forum for political co-operation to avert new flows of refugees, the possibilities of enhancing their role should be explored.

8. To conclude, the time had now come to set up a group of governmental experts to work within the framework of established United Nations procedures and to undertake, in the light of the comments of Member States and other relevant information, a comprehensive review of the problem in all its aspects, with the aim of finding appropriate means of international co-operation leading to the formulation of general guidelines and proposals for practical measures on how to avert new massive flows of refugees. The goodwill and co-operation of all Member States and the broadest possible international support would be essential in achieving that goal.

9. Mr. FATHALLA (Egypt) said that the problem of refugees, far from being merely a humanitarian issue, was linked by both cause and effect to the wider issue of the maintenance of international peace and security. It therefore called for radical political solutions. Egypt thus welcomed the initiative taken by the Federal Republic of Germany to seek a viable solution to a critical and world-wide problem which might affect good-neighbourly relations among States to the point of threatening international peace and security.

10. Being aware of both the seriousness of the problem and the importance of examining its political aspects, Egypt had voted in favour of resolution 35/124 and had forwarded its views and comments to the Secretary-General on international co-operation to avert new flows of refugees and to facilitate the return of those refugees who wished to return. Egypt wished to reaffirm in that connexion that the right to self-determination was one of the corner-stones of international relations. To deprive certain peoples not only of that right but also of their economic, social and cultural rights served only to swell the flow of refugees. To ensure the implementation of all those rights would therefore provide the first solution.

11. Egypt was in favour of the proposal to set up an ad hoc committee or a panel of experts responsible for conducting a detailed examination of the prevention and solution of the refugee problem and considered that the group's terms of reference should conform strictly to the wording of operative paragraph 2 of resolution 35/124. Generally speaking, the guidelines to be established by the panel of experts must be broad in scope, i.e., they must in no circumstances be geared to specific cases. They must also cover both prevention and solution, take due account of the complexity of the issues, and moreover deal with all the principles at issue in an acceptable and balanced fashion so as to command the

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(Mr. Fathalla, Egypt)

general approval of the international community. His delegation therefore broadly supported the 10 guidelines proposed by the Federal Republic of Germany in the report of the Secretary-General (A/36/582), particularly guideline 9, according to which all States must seek to achieve a domestic political, economic and social order which did not compel any elements of the population to leave the State. It also supported obligations (b) and (c) proposed by the United States of America to the effect that nationals of a country must be permitted to return to or remain in that country and that policies and practices that would cause significant elements of the population to flee to other countries must be avoided.

12. Three further fundamental principles should be added, namely, (1) the obligation of States to refrain from adopting any legislation or administrative or other measures which might give rise to new flows of refugees; (2) the obligation of States to co-operate by every means available both with each other and with the competent international organizations with a view to averting new flows of refugees; and (3) the obligation of those States whose policies had given rise to flows of refugees or created refugee problems to adopt the necessary measures to enable the refugees to return to their homes or to compensate those who did not wish to return. His delegation trusted that all those points would be taken into consideration in the resolution to be adopted on the subject, which, in order to be effective, must be adopted by consensus.

13. The CHAIRMAN suggested that the Committee should establish an informal open-ended working group to discuss a draft resolution on international co-operation to avert new flows of refugees.

14. It was so decided.

The meeting rose at 11.30 a.m.