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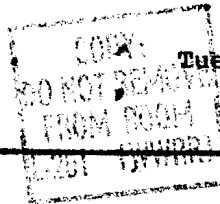


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THIRD COMMITTEE
58th meeting
held on
Tuesday, 30 November 1982
at 10.30 a.m.
New York



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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The meeting was called to order at 11.30 a.m.

AGENDA ITEM 90: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued):

- (a) REPORT OF THE HIGH COMMISSIONER (A/C.3/37/L.44);
- (b) QUESTION OF THE CONTINUATION OF THE OFFICE OF THE HIGH COMMISSIONER (A/C.3/37/L.45);
- (c) ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL (A/C.3/37/L.43 and L.61)

AGENDA ITEM 87: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/C.3/37/L.51):

- (a) REPORT OF THE HUMAN RIGHTS COMMITTEE
- (b) STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF THE SECRETARY-GENERAL
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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/37/L.5, L.6, L.48, L.52 and Corr.1, L.54, L.57/Rev.1)

1. Mr. SALAND (Sweden), introducing on behalf of the sponsors the draft resolutions on the question of the continuation of the Office of the High Commissioner contained in document A/C.3/37/L.45, said that it reflected the debate in the Committee on the continuing need to assist and protect the large number of refugees and displaced persons in all parts of the world and to promote durable solutions to their problems; it also mirrored the general view that UNHCR's mandate should be maintained unchanged for the next five years.

2. The text of the draft resolution had been agreed upon in consultations between the Group of 77 and the group of Western and other States at the Executive Committee's recent meeting in Geneva. Some minor modifications had resulted from consultations between delegations of the States most directly concerned. His delegation therefore hoped that the draft resolution would be adopted without a vote.

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(Mr. Saland, Sweden)

3. In the draft resolution in document A/C.3/37/L.44 the Assembly expressed deep concern that the problems of refugees and displaced persons remained distressingly serious and considered that substantial efforts to aid them, through UNHCR, continued to be needed. His delegation hoped that the draft resolution, which was the result of extensive consultations with delegations from all regional groups, would be adopted without a vote, as was the tradition with the yearly reports of UNHCR.
4. Mrs. OLENDE (Kenya) said that, in formulating draft resolution A/C.3/37/L.43, the group of African States had taken into consideration the information contained in the excellent interim report submitted by the Secretary-General to the Committee on the International Conference on Assistance to Refugees in Africa (ICARA) (E/1982/76), the report containing up-to-date information on the condition of African refugees (A/37/522), the report of the United Nations High Commissioner for Refugees on the activities of his Office (A/37/12) and the additional information on the condition of refugees in Africa contained in document E/1982/29.
5. In 1979, the Pan-African Conference on the Situation of Refugees in Africa had concluded that it was essential to make resources available for the general development of the economies of the asylum countries. At the meeting held in Geneva in April 1982 between representatives of the OAU secretariat and the Secretariat of the United Nations and other agencies within the United Nations system it had been proposed that UNHCR should study the list of supplementary needs presented to ICARA with a view to determining which projects fell within its mandate. Moreover, OAU had stressed that any additional assistance should not be at the expense of the host country's own development needs and that, if a second international conference was approved by the General Assembly, its cost should be met by the competent agencies of the United Nations.
6. Bearing those and other considerations in mind, the group of African States considered that it was necessary to hold a further Conference in 1984 to review the results of the 1981 Conference. The Group hoped that draft resolution A/C.3/37/L.43 would be adopted without a vote.
7. Mr. DYRLUND (Denmark), introducing draft resolution A/C.3/37/L.51 on the International Covenants on Human Rights, said that although the number of States which had ratified the Covenants had further increased, there were still many countries which had not done so; the sponsors of the draft resolution therefore again invited all States to become parties to those important instruments for the protection of human rights. They also urged States parties to the International Covenant on Civil and Political Rights to make the declaration under article 41 of that Covenant recognizing the competence of the Human Rights Committee. In addition, the sponsors wished to stress the important role of the Economic and Social Council and the Human Rights Committee in the implementation of the Covenants and the Optional Protocol.
8. The sponsors of the draft resolution also wished to emphasize the importance of States parties sending experts to present their countries' reports under the

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(Mr. Dyrlund, Denmark)

International Covenant on Human Rights, in order to further a continuing and constructive dialogue between those countries and the Committee.

9. With regard to operative paragraph 13 of the draft resolution, the object of which was to provide the public with more information on the proceedings of the Human Rights Committee, it had been the understanding of the sponsors that the draft would not have any financial implications, since it requested the Secretary-General to make arrangements for publishing the official records of the Human Rights Committee within existing resources, but the Secretariat had informed them that, with the amount involved, it could not be certain that that interpretation was correct. The sponsors had therefore decided to revise the wording in operative paragraph 13 to read: "... requests the Secretary-General to consider making arrangements ...", so that the Secretariat would take steps to publish the records of the Human Rights Committee, starting, for example with 1982 and continuing with the preceding years according to the resources available. In that case, the decision on the draft resolution would be taken at the same time as the decisions on other drafts having no financial implications, and the sponsors trusted that it would be adopted without a vote.

10. The CHAIRMAN said that he took it that, in accordance with the amendment introduced by the sponsors, the Secretary-General would not be requested to make arrangements for publishing the annual volumes of the Human Rights Committee, but would be requested to consider the possibility of making such arrangements. The draft resolution would clearly, therefore, have no financial implications.

11. Referring to item 12, he said that draft resolution A/C.3/37/L.5, the financial implications of which were set forth in document A/C.3/37/L.6, need not be introduced because it came from the Economic and Social Council.

12. Mrs. WARZAZI (Morocco) said that draft resolution A/C.3/37/L.48, which she was introducing on behalf of the delegations of Ghana, Greece, Jordan, Mexico, Pakistan, Spain and her own country, was a procedural resolution. The Group had undertaken the first reading of the draft declaration which, in 1980, 1981 and 1982, had been studied by an open-ended working group. During the present year, the Working Group had not been able to conclude the elaboration of the draft declaration in accordance with the hope expressed by the General Assembly in resolution 36/165. The sponsors were therefore reproducing the whole text of resolution 36/165 and proposed that at its thirty-eighth session the General Assembly should again establish an open-ended working group to conclude the elaboration of the draft declaration.

13. Mr. RIACHE (Algeria) introduced draft resolution A/C.3/37/L.52 on behalf of the delegations of Argentina, Barbados, Finland, India, Italy, Jordan, Mexico, Morocco, Norway, Pakistan, Portugal, Sweden, Turkey, Yugoslavia and his own country. The draft resolution was concerned with the tasks of the Working Group established under resolution 34/172 to elaborate an international convention on the protection of the rights of all migrant workers and their families.

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(Mr. Riache, Algeria)

14. During its two sessions, the working group had made considerable progress in the elaboration of the draft international convention on the protection of the rights of all migrant workers and their families. The results of its work had been submitted to the General Assembly in document A/C.3/37/7.

15. Summarizing the contents of the draft resolution, he stressed that it was concerned essentially with procedural matters, and he expressed the hope of the sponsors that it would be adopted by consensus.

16. The CHAIRMAN pointed out that draft resolutions A/C.3/37/L.48 and A/C.3/37/L.52 had financial implications. Unfortunately the Secretariat had not yet submitted the relevant documents to the Committee. Those documents would be presented before the Committee proceeded, on 1 December, to consider and vote on the draft resolution.

17. He also reminded the Committee that it had before it various draft resolutions on the problems of refugees and assistance to refugees and that some of them seemed to have financial implications and should therefore be introduced at the current meeting. However, the sponsors had expressed the hope that the drafts would not have financial implications and they would therefore prefer not to introduce them until a later meeting. They would prefer to introduce the draft resolutions appearing in documents A/C.3/37/L.50, A/C.3/37/L.54, A/C.3/37/L.56 and A/C.3/37/L.57 and Rev.1 together on the following day. In any case, he asked that if the sponsors considered that any of them had financial implications, they would so indicate not later than 1 December. The introduction of draft resolutions would thus be concluded.

18. Mrs. OLENDE (Kenya), referring to draft resolution A/C.3/37/L.43, proposed that operative paragraph 11 should become paragraph 12 and that a new paragraph 11 should be inserted with the following text: "Stresses that any additional assistance provided for the refugee-related projects should not be at the expense of the concerned countries' own development needs".

19. The CHAIRMAN pointed out that, since the number of draft resolutions with financial implications had been considerably reduced, the draft resolutions under items 90 and 94, which were to have been voted upon at the afternoon meeting, would be put to the vote on the following day together with the draft resolutions with financial implications under item 12.

20. Mrs. WARZAZI (Morocco), speaking on behalf of the working group on the rights of individuals who were not citizens of the country in which they lived, requested that the three-quarters of an hour remaining before the closure of the meeting should be used for assembling documents and listening to comments.

21. Mr. DERESSA (Ethiopia) asked the Chairman which were the resolutions which were to be postponed because they had no financial implications and whether it would not be appropriate, in the time remaining, to comment on the draft resolutions that were before the Committee, in particular draft resolution A/C.3/37/L.45, so that the sponsors could take the comments into account.

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22. The CHAIRMAN said that he had referred to two draft resolutions with financial implications, in documents A/C.3/37/L.54 and L.57 respectively. He had also mentioned draft resolutions A/C.3/37/L.50 and L.56, on the understanding that the four draft resolutions were to be introduced but that those which might have financial implications would come first. Delegations which so wished were free to comment on the draft resolutions introduced at the current meeting.

23. Mr. ADAN (Somalia) asked what the subjects were of the draft resolutions mentioned by the Ethiopian representative.

24. The CHAIRMAN replied that the draft resolutions concerned the question of refugees. In that connection, he said that he had made a mistake by referring to draft resolution A/C.3/37/L.56 instead of A/C.3/37/L.55.

25. Mr. DERESSA (Ethiopia) said that his delegation appreciated the effort made by the delegation of Sweden, which had introduced draft resolutions A/C.3/37/L.44 and L.45. He had also been favourably impressed by the way in which consultations had been held and the enthusiasm with which the sponsors of the draft resolutions had agreed to incorporate the comments of interested delegations.

26. In regard to draft resolution A/C.3/37/L.44, it was essential that the idea should be suggested to the sponsors of deploring the use of humanitarian assistance for purposes other than that for which it was intended, as well as violations of the basic rights of refugees, in particular pressure exerted directly or indirectly to compel them to engage in forced labour, military operations and other illegal activities against sovereign and independent States.

27. In recent years, the world had witnessed the way in which such illegal activities forced on refugees contributed to the deterioration of relations between States and increased tension. It was also highly important that the international community and all the signatories of the conventions on refugees should ensure that refugees were not subjected to pressures that violated their basic human rights.

28. He proposed that the sponsors of draft resolution A/C.3/37/L.44 should consider the possibility of adding, after the preambular paragraph beginning "Noting with deep concern ...", the following new paragraph: "Stressing the need to refrain from exerting pressure on refugees to participate in forced labour, military operations and other illegal activities against sovereign and independent States".

29. He also proposed that the following should be added after the words "arbitrary detention" in paragraph 3: "and through pressure on them to participate in illegal activities directed against sovereign and independent States".

30. The purpose of the proposals was to strengthen the draft resolution and to support the work of the High Commissioner on behalf of refugees and help him find lasting solutions to the problem. He hoped that the sponsors would take his comments into account and reiterated that his delegation was gratified by the impartiality and enthusiasm shown by the Swedish delegation in consulting all the States concerned during the drafting of the text.

31. Mr. SALAND (Sweden) thanked the Ethiopian representative for his kind remarks and added that in preparing the text of draft resolutions A/C.3/37/L.44 and L.45, it had been found necessary to hold wide consultations in which many delegations had taken part. He welcomed the interesting ideas put forward by the Ethiopian representative, but, since they were new to most of the Committee, they should be considered in greater detail by the Committee and in other forums. He therefore urged the Ethiopian delegation not to press for its amendments.

32. The CHAIRMAN said that in his opinion the Ethiopian representative had made only suggestions and not a formal proposal.

The meeting rose at 12.35 p.m.