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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Thirty-ninth session

SUMMARY RECORD OF THE 436th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 October 1988, at 3 p.m.

Chairman: Mr. JAMAL (United Republic of Tanzania)

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Any other business (continued)

Adoption of the report of the thirty-ninth session.

Closure of the session.

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

ANY OTHER BUSINESS (agenda item 10) (continued)

Applications by government observer delegations to participate in the work of the Sub-Committees and informal sessions of the Executive Committee of UNHCR in 1989 (A/AC.96/XXXIX/CRP.14)

1. The CHAIRMAN announced that Hungary and India should be added to the list of applicant countries. If there was no objection, he would take it that the Executive Committee wished to approve the list.

2. It was so decided.

ADOPTION OF THE DRAFT REPORT OF THE THIRTY-NINTH SESSION (agenda item 11)
(A/AC.96/XXXIX/CRP.15)

3. Mrs. GONCALVES (Brazil), Rapporteur, explained that the report before the Committee was based on the new format decided upon at the beginning of the session and that it was substantially shorter than the reports of previous sessions. Its main focus was on the draft decisions and conclusions of the Committee, the narrative of the Committee's proceedings being provided by the summary records.

4. The CHAIRMAN said that the Committee would consider the draft report paragraph by paragraph.

I. Introduction (paragraphs 1-18)

5. Mrs. GONCALVES (Brazil), Rapporteur, said that the last sentence in paragraph 4 should be replaced by a sentence reading "Positive developments were evident in all these relationships".

6. Paragraphs 1-18 were adopted.

II. General (Items 4-11) (paragraphs 19-21)

7. Mr. YIANGOU (Observer for Cyprus) suggested that the words "which should be read in conjunction with this report" should be added at the end of paragraph 20.

8. Mr. STAUR (Denmark) said that he could not agree to that suggestion if it meant that the summary records were to be considered to be part of the report, since the summary records had not yet been issued.

9. The CHAIRMAN said that, since the original text was perfectly clear, it would be better to keep it as it was.

10. It was so agreed.

11. Paragraphs 19-21 were adopted.

III. Decisions and Conclusions of the Committee (paragraphs 22-35)

Draft General Conclusions on International Protection (paragraph 22)

12. Mr. ELIAV (Israel) noted that subparagraph (f) was almost identical to a passage contained in the report adopted in 1987. At that time his delegation had indicated its strong objection to the inclusion of the words "including a large number of Palestinians", since Palestinian refugees were the responsibility of UNRWA and there was consequently no reason for UNHCR to refer to them. While he did not wish to upset the consensus, he reiterated his delegation's objection and requested that it should be noted in the report.

13. Paragraph 22 was adopted.

Promotion and Dissemination of Refugee Law (paragraph 23)

14. Paragraph 23 was adopted.

International Solidarity and Refugee Protection (paragraph 24)

15. Paragraph 24 was adopted.

Stowaway Asylum-Seekers (paragraph 25)

16. Mr. CANGELARIS (Greece), referring to operative paragraph 2 of the draft decision, said that his delegation was convinced that stowaway asylum-seekers deserved to enjoy equal treatment with other asylum-seekers and that their presence on board a ship should not change their status as such. The words "whenever possible" and the words "provided that this does not necessarily imply durable solution in the country of the port of disembarkation" at the end of the paragraph discriminated against stowaway asylum-seekers. In a spirit of compromise his delegation would join in the consensus on the understanding that its preoccupations would be recorded in the report and summary record.

17. Paragraph 25 was adopted.

Refugee Women (paragraph 26)

18. Paragraph 26 was adopted.

International Conference on Indo-Chinese Refugees (paragraph 27)

19. Paragraph 27 was adopted.

International Conference on Central American Refugees (paragraph 28)

20. Mr. ADAMS (Secretary of the Committee) said that a typing error had been made on page 17 of the report. That page should therefore be replaced by the new page 17 recently distributed.

21. Mr. POINSOT (France) said that his delegation had wanted to make an amendment to operative paragraph 6 which would have been conducive to the mobilization of all the resources needed for the conference. That amendment was apparently in keeping with the intentions of the Central American

countries themselves, since, in the Declaration of San Salvador dated 5 September 1988, they had invited UNHCR "to make every effort to provide, in collaboration with the other United Nations agencies concerned, the assistance necessary for the preparation, organization and holding of the conference". He therefore proposed that the aforementioned words should be used in operative paragraph 6.

22. Mr. van den BERG (Netherlands) endorsed that proposal, since the importance of the conference was such that every effort should be made to give it broad support. Early participation by the United Nations system would enable each organization to play the role for which it was most suited.

23. Mr. WULF (Sweden) also supported the French proposal.

24. Mr. TAYLHARDAT (Venezuela), supported by Mr. LUNA (Colombia), requested that further consideration of the text should be postponed to enable the sponsors to discuss the French proposal.

25. It was so agreed.

Draft conclusions of the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (paragraph 29)

26. Paragraph 29 was adopted.

Draft Conclusions and Decisions on Assistance Activities (paragraph 30)

27. Paragraph 30 was adopted.

Draft Decisions and Conclusions on UNHCR's Role in Promoting Durable Solutions (paragraph 31)

28. Mr. SHABBU (Sudan) pointed out that the text in brackets in subparagraph (f) had not been discussed in the Drafting Group and asked how it had come to be included.

29. Mr. PETRONE (United States of America) requested that the passage in question should be deleted from paragraph 31 and inserted in an appropriate place in paragraph 32.

30. It was so agreed.

31. The CHAIRMAN inquired about the status of the text in brackets under subparagraph (e).

32. Mr. STAUR (Denmark) said that it had been discussed at length but no agreement had been reached. The problem was that the subject of the draft conclusions was durable solutions whereas the text concerned referred to an interim solution. He maintained that it was misplaced in the draft conclusions under discussion.

33. Mr. SHABBU (Sudan) said that the text had been proposed by the African asylum countries. The emphasis lay on using local settlement as an interim solution in cases where it was conducive to voluntary repatriation, which was clearly the most satisfactory solution for countries like his own with a heavy

burden of refugees. As an example, he would refer to the case of Ugandan refugees whose voluntary repatriation had been agreed between UNHCR, Uganda and Sudan. However, there had been a logistical problem. The Ugandans were therefore brought to the Sudanese side of the Uganda-Sudan border so that the children could start the school year. It was subsequently possible to repatriate 160,000 refugees who, if they had not been locally resettled as an interim measure, might still be in Sudan. That was a typical situation in African asylum countries.

34. Mr. van den BERG (Netherlands) said that he recognized the intention of the text was to promote a durable solution and the concept was an interesting one. It could however be discussed the following year under the terms of subparagraph (a). He suggested that the passage in brackets might be deleted from the present text on that understanding.

35. Mr. STAUR (Denmark) said that the text might be interpreted as playing down local settlement as a durable solution: he would like to keep all three options of durable solutions open although voluntary repatriation was to be preferred. The idea of local resettlement as an interim solution was new. He agreed it could be further discussed the following year. He appealed to the representative of Sudan not to insist on the inclusion of the text.

36. The CHAIRMAN suggested that further consideration of local resettlement as an interim solution might be deferred and the present discussion duly noted in the summary record.

37. It was so agreed.

38. Mr. ZHANG Yishan (China) said that his delegation had unfortunately been unable to participate in the meeting of the Friends of the Rapporteur. He inquired what had happened to paragraph (g) which contained an important provision. He proposed that it should be added to the draft conclusions.

39. Mr. ADAMS (Secretary of the Committee), at the request of the Chairman, read out the text of subparagraph (g):

"Requested UNHCR to consult with interested Governments in order to facilitate the admission and resettlement of individual refugees whose presence affects national security in the country of first asylum; refugees whose safety or freedom are jeopardized as well as refugees who have compelling humanitarian reasons for leaving their countries of first asylum".

He recalled that the meeting of the Friends of the Rapporteur had agreed to delete the paragraph.

40. Mr. ZHANG Yishan (China) said he would not insist in view of the unanimous decision to delete paragraph (g), but he trusted that the views of the Chinese delegation would be reflected in the summary record.

41. Paragraph 31, as amended, was adopted.

Draft conclusions and decision on refugee aid and development (paragraph 32)

42. Mrs. GONÇALVES (Brazil), Rapporteur, announced that at the meeting of the Friends of the Rapporteur, it had been decided to delete the first preambular paragraph and to insert the reference to documents in the second preambular paragraph, the opening phrase of which would then read: "Welcoming the report (A/AC.96/XXXIX/CRP.1 and CRP.1/Add.1) by UNHCR on refugee aid and development ...". The preambular paragraphs would be renumbered accordingly.

43. Mr. SHABBU (Sudan) said that the formulation "to integrally link refugee aid and national development plans" had originally been used in operative paragraph (h) (v) where, by agreement, it had been replaced by the present formulation, namely, "to ensure the compatibility of refugee-related projects with the host country's development plans". It was his understanding that the intention of the meeting of the Friends of the Rapporteur had been that the preambular paragraph should be similarly reformulated.

44. Mr. MTANGO (United Republic of Tanzania) concurred. It was refugee-related projects that might be harmonized with development plans, not refugee aid as such.

45. Mr. van den BERG (Netherlands) said that his delegation attached importance to an integrated approach to refugee projects and to development plans. He suggested that, in a spirit of compromise, the text might be amended to read "to integrally link refugee-related projects to national development plans of developing refugee-asylum countries".

46. Mr. SHABBU (Sudan) said that African asylum countries had very fragile economies and it was essential that inputs should not distort national priorities. The correct word was "compatible" and he saw no reason to depart from the formulation which had been agreed for operative paragraph (h) (v). The phrase "integrally link" was too much of a straight jacket.

47. Mr. BANDA (Observer for Malawi) said that in his opinion the idea in the preambular paragraph was different from that in operative paragraph (h) (v). But the formulation in the preambular paragraph was inaccurate. It was a matter, not of national development plans, but rather of development assistance to take account of the adverse impact of refugees on the host countries, in various fields such as health, education and environment.

48. Mr. MTANGO (United Republic of Tanzania) said that after considerable discussion, it had been agreed that the term "integrating" was inappropriate. His delegation was not in principle against the harmonization of refugee projects and national development plans but the concept of integral linking was in practice impossible to implement: refugee projects were prepared by UNHCR and other agencies and the national development plan by the Government itself, at different times and with different aims. Refugee projects were concerned with achieving self-sufficiency and national development plans with the development of the country. He therefore appealed to the Netherlands representative to agree to bring the preambular paragraph into line with operative paragraph (h) (v).

49. Mr. van den BERG (Netherlands) said that one question was the integration, compatibility or integral link between refugee-related projects and national development plans. In itself that was an important issue, but it

was also in the long-term interests of refugees that at a certain stage they became part of the national development plan and so benefit from funds from sources other than UNHCR. He felt that the discussion was moving in the direction of making the formulation in operative paragraph (h) (v) compatible with that of the preambular paragraph. His delegation favoured as strong a link as it was possible to achieve. The observer for Malawi had pointed out another issue, namely additionality of refugee aid, which was well addressed in the paragraph under discussion.

50. Mrs. GONÇALVES (Brazil), Rapporteur, said that her records did not show any amendment to the preambular paragraph. There had been a long discussion about the formulation of operative paragraph (h) (v).

51. Mr. MTANGO (United Republic of Tanzania) said that the question of additionality of aid was indeed well reflected in operative paragraph (h) (ix). The only change required in that subparagraph was the replacement of "from" by "for" in the penultimate line before "the concerned countries' ...". There was no problem about amending the preambular paragraph in the way the representative of Sudan had suggested - a course to which the Rapporteur had said no objection had been raised.

52. Mr. STAUR (Denmark) said he did not find such an obvious similarity between the preambular paragraph and operative paragraph (h) (v). Refugee aid was not the same as refugee-related projects. He suggested the formulation proposed by the Netherlands representative might be adopted.

53. Mr. STRUGE de SWIELANDE (Belgium) observed that the preambular paragraph referred to a document written by UNHCR. He wondered whether it would not be helpful to ask the secretariat for a suggestion.

54. Mr. DEWEY (United Nations Deputy High Commissioner for Refugees) said that he appreciated the sentiments of the Netherlands representative that the linkage should be strong and in fact the word "integrate" was used in the resolution of ICARA II. However, in the interests of a pragmatic solution, he felt that aim would not be jeopardized if the language of operative paragraph (h) (v) was picked up and the preambular paragraph read:

"Welcoming the report (A/AC.96/XXXIX/CRP.3 and CRP.3/Add.1) by UNHCR on Refugee Aid and Development as tangible recognition of the need to ensure compatibility of refugee aid and national development plans of developing refugee-asylum countries;"

55. The CHAIRMAN suggested that a consensus might be reached on that formulation.

56. It was so agreed.

57. Mr. SHABBU (Sudan) asked why it was that an additional text between brackets had been inserted in operative paragraph (h) (vii). That text had not been discussed at the previous day's meeting of the Friends of the Rapporteur.

58. Mrs. GONÇALVES (Brazil), Rapporteur, explained that the text between brackets had been inserted by the secretariat, as it was the outcome of extensive consultations between a number of delegations.

59. Mr. PETRONE (United States of America) said his delegation had requested the inclusion of both the text between brackets in paragraph 31 (f) and the text between brackets in paragraph 32 (h) (vii), because it considered that the responsibilities of first-asylum countries were insufficiently reflected in the Draft Conclusions on Refugee Aid and Development.

60. Mr. van den BERG (Netherlands) said he attached great importance to the text under discussion and strongly favoured its inclusion.

61. Mr. STRUGE de SWIELAND (Belgium) also supported the proposed text, which he believed was essential in order to enable UNHCR to exert an influence on other international development aid organizations.

62. Mr. DANNENBRING (Federal Republic of Germany) shared that view. The proposed text was in line with the language adopted in the Preamble, which emphasized the importance of a link between refugee aid and development plans.

63. Mr. STAUR (Denmark) said that while he too supported the proposed text, he would like to hear the views of representatives of asylum countries before the Committee adopted it. He shared the concern of the representative of Sudan, and would like the secretariat to indicate why the formulation had been included without having been previously discussed.

64. Mr. ADAMS (Secretary of the Committee) said that the meetings of the Friends of the Rapporteur was only one of a number of possible mechanisms for sifting through the various proposals for conclusions and recommendations in order to facilitate the work of the Committee. Another possible mechanism was that of consultations, which might be initiated either by the secretariat or by individual delegations. The secretariat had included the two paragraphs in the draft report on the understanding that they had already been discussed at such consultations by a number of delegations.

65. He pointed out that meetings of the Friends of the Rapporteur had no legal status, and that it was always possible for delegations to put forward new proposals. The two texts had been placed between brackets simply to indicate that as far as the draft report was concerned, they were new proposals; however, there was nothing to prevent the Committee from debating them now.

66. Mrs. MBONU (Nigeria) said she could not accept the secretariat's explanation. Neither of the two proposed texts had been considered at the meeting of the Friends of the Rapporteur. It would set a very dangerous precedent if delegations which had not been represented at that meeting were to be allowed to come forward with new proposals at the last minute, and would also mean that many hours of hard work on the part of the Friends of the Rapporteur had been wasted.

67. Mr. KAMINAGA (Japan) said that while he sympathized with that concern, he believed that the development needs of asylum countries could more effectively be met by ensuring that such agencies as UNDP and the World Bank were involved in development plans. He therefore shared the views expressed by the representatives of the United States and the Netherlands.

68. Mr. MTANGO (United Republic of Tanzania) pointed out that the Committee had already agreed that all proposals for inclusion in the draft report had to be submitted to the secretariat by the end of the previous week, to allow time for delegations to study them and if necessary to seek instructions from their authorities. The two proposed texts did not meet that criterion, and for that reason alone they should not have been accepted by the secretariat.

69. Although it was true that delegations were free to submit proposals which had not been discussed by the Friends of the Rapporteur, the tradition was that such proposals could only be accepted by consent of the Committee.

70. Mr. STAUR (Denmark) agreed that that point was an important one. It was the established practice in the Committee that any proposals that emerged from consultations were submitted to the Friends of the Rapporteur, and if that practice were not followed, it would be impossible for members to consider the proposed conclusions and decisions of the Committee in their entirety. The secretariat was at fault in having included in the draft report proposals which had not even been discussed at the previous day's meeting; the proper procedure would have been to ask the delegation concerned to introduce them from the floor.

71. Mr. van den BERG (Netherlands) said that he agreed with the representative of Denmark on the question of procedure. On the question of substance, on the other hand, it was important that refugee needs should be integrated into UNDP Round Table and World Bank Consultative Group processes, if donor countries were to be enabled to contribute more towards meeting those needs.

72. Mr. HEWITT (United Kingdom of Great Britain and Northern Ireland) urged members not to spend too much time on matters of procedure, but to concentrate on matters of substance. The central question at issue was how to ensure compatibility between refugee aid and development plans, both internationally, in the context of the UNDP Round Table and the World Bank, and internally, within the country concerned.

73. He suggested that the text between brackets in operative paragraph (h) (vii) should be amended by the addition of part of the corresponding text between brackets in paragraph 31. The resulting combined text would read as follows:

"Called upon Governments of asylum countries to integrate refugee-related proposals into their development plans at the UNDP Round Table and World Bank consultative group processes, and to make administrative arrangements which would facilitate conditions conducive to the objectives of project activities".

74. Mr. SHABBU (Sudan) warned the Committee against being drawn into a discussion of points of substance on the pretext that there was no time to discuss points of procedure. In fact, the issue he had raised went beyond mere matters of procedure, in that it set a precedent which might be injurious to the interests of the Committee.

75. Mr. JOHNSON (United States of America) said his delegation had had no intention of placing the Committee in a difficult situation. It had appeared preferable that the proposals should be submitted in writing rather than from

the floor, and the addition of brackets had clearly implied that the texts concerned were not the result of consensus achieved at the meeting of the Friends of the Rapporteur. It would have been better, of course, to submit the proposals to the secretariat within the required deadline so that they could be passed on to the Friends of the Rapporteur for discussion, but unfortunately it had not been possible to follow that procedure on this occasion. He suggested that it should be noted in the report and in the summary records of the Committee that there had been support for the substance of the two proposals, and that certain delegations had asked that they should be taken up again at the Committee's session the following year. On that understanding, his delegation was willing to withdraw both proposals.

76. Paragraph 32, as amended, was adopted.

Decisions on administrative and financial matters (paragraph 33)

77. Miss TEXIER (France) proposed that in section F (c) the following phrase should be added: "and expressed its expectations of the continuation of this trend". Subparagraph (d) would then be deleted, and the following paragraphs renumbered accordingly.

78. Mr. ZHANG Yishan (China) suggested that, in section I (c), the word "Invited" should be replaced by the word "urged" and the word "emphasized" should be replaced by the word "reflected".

79. Mr. STAUR (Netherlands) suggested that subparagraph (g) should appear under a separate section J.

80. Paragraph 33, as amended, was adopted.

International Conference on Central American Refugees (paragraph 28)
(continued)

81. The CHAIRMAN read out the amended text proposed for operative paragraph 6: "Invites the High Commissioner to make every effort so that his Office may provide, in collaboration with the Agencies of the United Nations System, the necessary support to the preparation, organization and realization of the said Conference".

82. Paragraph 28, as amended, was adopted.

83. The draft report of the thirty-ninth session of the Executive Committee (A/AC.96/XXXIX/CRP.15), as amended, was adopted.

84. Mr. HOCKE (United Nations High Commissioner for Refugees) recalled that in his opening statement he had spoken of the challenges facing UNHCR. During the week's deliberations, all the participants in the Executive Committee session had shown that those challenges were very much present in their minds. The various items on the Executive Committee's heavy agenda had been discussed in an orderly manner and with the determination required to find appropriate solutions.

85. Now that the report of the session had been adopted, UNHCR's collaborators at Headquarters and in the field felt strengthened in their mission, having been given the means to face those challenges and the encouragement to tackle with renewed vigour the problems that persisted. Much remained to be done, both in the area of action and the mobilization of resources. However, he was confident that obstacles would be overcome and the goals that had been set attained.

86. Mr. DANNENBRING (Federal Republic of Germany) said that he had been impressed by the quality of the discussion at the thirty-ninth session and by the comments from Government representatives, Government observers and non-governmental organizations. That had been made possible by UNHCR's excellent preparation of the meeting. He suggested, however, that summaries of the documents might be prepared in order to make it easier to digest the large volume of documentation. In matters of substance, tangible progress had been made in the fields of protection and of refugee aid and development. In future the Executive Committee might perhaps streamline its procedures by preparing documents earlier and its discussions by merging the general debate with substantive debate on protection and solidarity, which were at the core of the deliberations.

87. The CHAIRMAN said that the past year had been an eventful period both for the international community in many parts of the world where the number of refugees had increased and for the Administration which had been obliged to cut corners to keep abreast of the situation. A range of concerns had characterized the session. The Administration had been rightly congratulated on the quality of its documents on refugee women, and expectations had been voiced that UNHCR field programmes would take increasing account of their needs and role. The debate on international solidarity and protection had led to the recognition of the problems faced by stowaway asylum-seekers. There had been recognition of the importance of supporting regional efforts and adoption of resolutions on international conferences on Indo-Chinese refugees and Central American refugees. The conclusions of the SARRED Conference at Oslo would soon be translated into specific programmes.

88. Thanks to continued donor support, revised expenditures of \$420 million for 1988 and an initial budget of over \$428 million for 1989 had been approved.

89. Concerning refugee aid and development, he feared the Executive Committee might have evaded a matter of increasing importance to the countries of asylum with poorly developed and equipped economies. If needs were assessed inadequately, those who provided resources might be misled as to the total magnitude of assistance required. Concerning irregular movements, several members had expressed disappointment at the lack of progress, and he hoped the extension of time envisaged would advance the cause of UNHCR. There had been expressions of relief and expectation following the cessation of hostilities in the Gulf regions and concerning the prospects for the return of the Afghan refugees to their homeland. In the latter connection, he said that Prince Sadruddin Aga Khan's invaluable experience in the field of refugee relief work and deep humanitarianism were the assets required of the special Co-ordinator appointed by the United Nations Secretary-General.

CLOSURE OF THE SESSION

90. The CHAIRMAN declared the session closed.

The meeting rose at 6.15 p.m.