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42nd meeting  
held on  
Monday, 14 November 1983  
at 10 a.m.  
New York

SUMMARY RECORD OF THE 42nd MEETING

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 100: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/38/203, A/38/325, A/38/529):

- (a) STUDY ON INTERNATIONAL CONDITIONS AND HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/511);
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/416)

1. Mr. RAMACHANDRAN (India) said that India believed that human rights were indivisible and that all rights, whether civil, political, economic, social or cultural, should be treated in an integrated manner. That attitude had been accepted by the General Assembly in paragraph 1 (a) of resolution 32/130. India also believed that the right to development was a human right and that equality of opportunity for development was a prerogative of both nations and individuals. Hence there should be no contradiction between the interests of the individual and those of society. Furthermore, given the interdependence of the present-day world, national development required appropriate international conditions. Existing inequitable international economic relations made efforts to achieve the new international economic order an essential element in achieving development, and those efforts would be strengthened by universal recognition of the right to development.

2. In order to view human rights in an integrated manner it was necessary to take into account their developmental dimension as well as the human rights dimension of the development process. When debating human rights issues it would be well to ponder whether such debates served to alleviate the sufferings of the poor and hungry millions and helped them to enjoy the rights without which no human being could live in dignity.

3. In connection with the draft declaration on the right to development now being prepared by the Working Group of Government Experts of the Commission on Human Rights, he expressed the hope that discussions - by the experts, in the Commission or in the Committee - would remain free from prejudice and preconception and that differences would be resolved through constructive discussions based on good faith and the necessary political will.

4. With regard to the proposal to establish a post of High Commissioner for Human Rights, he said his delegation was concerned at the continuing violations of human rights in different parts of the world but doubted whether institutional mechanisms would guarantee the observance of human rights as long as Member States allowed their approach to human rights to be governed by political expediency. What was needed was to strengthen existing institutions and improve their effectiveness. There had been considerable disagreement on the question in both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It might therefore be advisable to recognize that delegations were not yet ready for a final decision on the matter and that some, including his own,

(Mr. Ramachandran, India)

had serious doubts, even objections, in view of the lack of adequate justification for the post and of the upgrading of the Division of Human Rights to a Centre. In his delegation's opinion, any attempt to force the issue without general agreement would doom the establishment of such a post to failure.

5. His country attached great importance to the strengthening of national institutions, which were among the most effective agents for promoting and protecting human rights. In his own country, an informed public opinion, a free press, an independent judiciary and representative parliamentary democracy were all effective guarantees of protection and promotion of the human rights of citizens. There was a growing awareness of their rights on the part of citizens, which was being promoted by governmental and non-governmental efforts through educational institutions, mass communication media, community, labour and civil liberties organizations and so forth. The Government had also established a number of bodies, including the Lokayukt, or ombudsman, the Commission for Scheduled Castes and Tribes, the Minorities Commission and the Backward Classes Commission, to ensure the protection and promotion of rights among specific population groups.

6. The United Nations provided a unique forum for considering the world human rights situation, but it had certain inherent limitations. Care must therefore be taken to strike a balance between the concept of sovereignty, the common law of civilized nations and the inalienable rights of human beings, in order to promote the fuller enjoyment of human rights by all.

7. Mr. GARVALOV (Bulgaria) said that the importance of the item under consideration stemmed directly from the United Nations Charter, which stated that one of the main purposes of the Organization was to endeavour "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all ...". In that connection he stressed the importance of seeking international co-operation rather than pressing for impossible measures such as supervision of the policies and practices of Governments. That in no way narrowed the approach of the United Nations, which, as indicated in General Assembly resolution 32/130, should take into account a number of concepts, the most important of which were the following: that human rights and fundamental freedoms were indivisible and interdependent and that the rights of one group should not be set against the rights of another; that the enjoyment of economic, social and cultural rights was an important pre-condition for the full realization of civil and political rights; that priority should be given to consideration of the mass and flagrant violations of human rights resulting from apartheid, racism, racial discrimination, colonialism, foreign occupation, denial of the right to self-determination and independence of colonial peoples, and the right of every nation to exercise full sovereignty over its natural resources; that the importance of the realization of the new international economic order was an essential element for the effective promotion of human rights and fundamental freedoms; and that co-operation among States in the field of human rights could be achieved only on the basis of the principles of the Charter. Resolution 32/130 thus defined the perspective and framework of the work of all United Nations bodies

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(Mr. Garvalov, Bulgaria)

and was aimed essentially at international co-operation, which, in the human rights field, had resulted in the adoption of such instruments as the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Elimination of All Forms of Discrimination against Women. What was urgently needed now was that those agreements should become truly universal, with as many States as possible becoming parties to them and with as few reservations as possible in respect of their most important provisions.

8. The most important organ of democratic international co-operation in the human rights field was the Commission on Human Rights, and the proposal to transfer part of its mandate to a less democratic organ - the Bureau of the Commission - was unacceptable. Over the past few years suggestions had also been made concerning the structure and organization of work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, most of them aimed at altering the Sub-Commission's established practice and terms of reference. In Bulgaria's view there was no need for any substantive change: what was needed was that the Sub-Commission should comply more strictly with its terms of reference and refrain from taking up subjects which did not fall entirely within its purview.

9. One of the basic ideas deriving from General Assembly resolution 32/130 and other United Nations documents was the need to combat gross and mass violations of the rights of peoples and individuals, above all in situations constituting a threat to international peace and security resulting from policies of aggression, racism, apartheid, fascism, denial of the right of self-determination and suppression of the struggle for national liberation and social progress. An essential prerequisite for the enjoyment of human rights was the preservation of world peace. Hence it was the duty of every State and Government to ensure the right to life, which meant the elimination of the threat of nuclear war, ensuring normal and safe conditions in which all nations and individuals could enjoy all other human rights and fundamental freedoms. That was not to underestimate the importance of other basic rights, such as the right to self-determination of colonial peoples and countries, as in the case of the peoples of Namibia and South Africa and the Palestinian people.

10. Bulgaria did not give mere verbal support to the right to development. Its co-operation with the developing countries involved the provision of economic, technical and financial assistance. Its total assistance to developing countries in various forms had amounted to the equivalent of more than \$900 million in the period 1976-1981, which was considerably more than that of some of the more developed countries.

11. His delegation was surprised to see that the study on international conditions and human rights (A/38/511) had not been prepared in the form envisaged in General Assembly resolutions 36/133 and 37/200 but was merely a compendium of replies received from Governments. It was also surprised to find that the document reflected ideas and included references that had nothing to do with the intention

(Mr. Garvalov, Bulgaria)

of those resolutions that particular reference should be made to situations resulting from apartheid, racial discrimination, colonialism, neo-colonialism, the arms race, aggression and threats against national sovereignty and territorial integrity, and from refusal to recognize the fundamental right of peoples to self-determination. What had been produced was a document used by some countries for propaganda against the socialist countries, in obvious disregard of the relevant resolutions. He could only deplore such a situation and insist on the Secretariat complying with the provisions and the spirit of such resolutions in future.

12. Improvement should be sought within the existing organizational structures, which were adequate and had proved that, given goodwill, Member States could achieve real progress through them. If there was a problem, it was that of the strengthening of those structures, which could be achieved either by up-dating their mandates, as in the case of the Commission on Human Rights, or by stricter compliance with the agreements under which those bodies had been established. He strongly doubted that the establishment of any new structures, organs or posts would produce any improvement or any positive results in United Nations efforts in the field of human rights.

13. As to the idea of establishing a post of High Commissioner for Human Rights, in whatever guise, that would certainly not contribute to a real improvement in the effective enjoyment of human rights and fundamental freedoms having regard to the basic objective underlying all United Nations activities in that field, namely the achievement of international co-operation. In the first place, it would lead to overlapping of activities, since some of the proposed functions were at present carried out by the Secretary-General or persons authorized by him, or by existing United Nations and other bodies. There was also the problem of the complicated and delicate questions which would inevitably arise in relations between a High Commissioner and sovereign States. It would obviously be impossible for one person to cope with the enormous task of promoting rights such as the right of self-determination, the right to live in peace and the right to development: there was no magic wand which in the hand of one person could resolve mankind's problems. No single person, however exceptional, could cope with the multitude of problems facing the Organization. Moreover, how could such a person achieve true international co-operation when there was no consensus on the establishment of such a post? Obviously, the problems a High Commissioner would act upon would not be the large-scale problems addressed in General Assembly resolution 32/130 and others, but problems of minor importance for the international community as a whole. Lastly, the establishment of such a post might be a deviation from the basic requirements for international co-operation and might infringe the principle of non-interference in the internal affairs of States, thus distorting the perspective of international co-operation in accordance with the Charter. Bulgaria was therefore opposed to such ideas and considered them harmful to the Organization's work in the field of human rights. It favoured continuation of the process of analysis undertaken by the Commission on Human Rights, which had already produced useful results and ideas. That was the only way to reach an agreement with the approval and consent of all the parties involved and to find effective means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

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(Mr. Garvalov, Bulgaria)

14. As a member of the Commission on Human Rights and a participant in that process, Bulgaria would continue to contribute to the achievement of positive results and would consider any constructive suggestion, because it believed that the United Nations could make still further progress in the human rights field.

15. Mr. COORAY (Sri Lanka) said that the General Assembly had repeatedly emphasized that equal importance and attention should be given to promoting and protecting all human rights. It was also important to recognize, as agreed at the Seminar on the Relations that Exist between Human Rights, Peace and Development held in August 1981, which he had attended, that "human rights, peace and development are interrelated and interdependent and ... the fostering of one promotes the enhancement of the others". That interrelationship made it essential that there shall be a global examination of questions relating to improvement of the effective enjoyment of human rights. Accordingly, it was important, as the Charter of Economic Rights and Duties of States indicated, that economic and other relations of States should be governed by principles such as mutual and equitable benefit, respect for human rights, promotion of international social justice and international co-operation for development. That Charter also emphasized the close relationship between the well being of the developed countries and the growth and development of the developing countries. Economic and social progress were a major factor in the effective enjoyment of human rights and the establishment of peace and security. A new international economic order based on justice, equity and the inherent dignity and equal and inalienable rights of all members of the United Nations family was therefore essential for the full and effective enjoyment of human rights and fundamental freedoms for all.

16. The Seminar had also recognized that the right to development was a human right, that equality of opportunity for development was a prerogative equally of nations and of individuals, and that development was a continuous process which should benefit all members of society without discrimination and a means of ensuring social justice at the national and international levels. His delegation believed that development was primarily a question of justice, not merely of resources, and that the emphasis should therefore be on integrated political, economic, social and cultural development based on the effective participation of the people, including women, both as decision-makers and as beneficiaries in the realization of human rights, social justice, peace and security. As mentioned in the report of the Secretary-General in document A/38/511, there was a great need, at the international, national, regional and local levels, to integrate human rights into political, economic, social and cultural policies and programmes. His delegation had noted with satisfaction the progress made by the Working Group of Governmental Experts on the Right to Development and hoped that the Group would submit a draft declaration as soon as possible.

17. The effective realization of human rights should, like charity, begin at home, in other words, at the national level, but the rules applicable to national institutions should be those set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights. As noted in General Assembly resolutions, it was of paramount importance for the promotion of human rights that

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(Mr. Cooray, Sri Lanka)

Member States should undertake specific obligations through accession to or ratification of international instruments. Sri Lanka had accordingly ratified such instruments of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

18. In the opinion of his delegation, although constitutional and legal provisions guaranteeing human rights and their protection by an independent judiciary or, as in his country, an ombudsman, were of great importance, legal provisions alone were not sufficient for full realization of human rights as contemplated in the Charter. Above all, political will was needed to make human rights effective in practice. That could be achieved through education and information. The Sri Lanka Foundation, through its Human Rights Centre, had been engaged during the past few years in a comprehensive programme relating to the teaching of human rights in schools. Human rights education should aim at fostering attitudes of tolerance, respect, and solidarity and developing the individual's awareness of the ways and means by which human rights could be translated into social and political reality both nationally and internationally.

19. Mr. GEBRE-MEDHIN (Ethiopia) said that with the General Assembly's adoption of resolution 32/130 a clear path had been opened up in the search for ways and means to improve the efficiency of the United Nations system in promoting respect for human rights and fundamental freedoms. The attempts to achieve that goal constituted an important initiative which had broad implications and deserved serious attention. The discussion of item 100 had generated the will to strengthen existing institutional machinery so as to enable it to further the effective enjoyment of human rights, had facilitated the establishment of the necessary moral and legal foundations for the elaboration of norms and principles, and had led to the de facto recognition of the right to development as an inalienable right of all peoples. Since human rights could not be promoted or injustice prevented in an international order marked by inequality among nations, the drafting of a declaration on the right to development was of particular significance. The activities of the Working Group established in 1981 by the Commission on Human Rights to study the scope and content of the right to development had been constructive.

20. The establishment of a post of High Commissioner for Human Rights, with all that it implied in expenditure, would not serve any purpose. The Commissioner would play no meaningful role, not only because of his inherent lack of enforcement powers, but also because the idea of a human rights prosecutor or super-national enforcement officer was not fully consistent with the purposes and principles of the Charter. Any measure that ignored the principle of sovereignty of States would be counter-productive and might frustrate the entire human rights effort. His delegation therefore could not support the persistent call for the establishment of such a post.

21. Referring to document A/38/511, he said that his country had been dismayed by the report of the United States, in which it had openly shown its desire to impose its will on others and had manifested a new readiness to recreate the world in its own image. That obviously would not help to promote the cause of respect for human rights and took no account of the realities prevailing in different countries.

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22. Mr. RAMCHARAN (Centre for Human Rights) said that all the comments on document A/38/511 would be given full consideration by the Secretariat. He thanked those delegations which had expressed their views on the item.

23. Mr. LOGOGLU (Turkey), speaking in exercise of the right of reply, said that the Question of Cyprus was covered by item 41, which the Committee was not considering. Through a highly irregular procedure, however, one delegation had consistently attempted to exploit the Committee's discussion for its own purposes. Such behaviour was irresponsible; no one had licence to engage in such abusive practices. The Turkish Cypriot community was one of two parties to the Cyprus dispute, the other being the Greek Cypriot community. Because the Turkish Cypriot community was permitted to speak only once before the Special Political Committee, it could not convey its views adequately, while the Greek Cypriot community, acting as the Government of Cyprus, had ample opportunity to do so. That was why his delegation had been asked to convey the position of the Turkish Cypriot community concerning the question of Cyprus. It was essential that Member States should be aware of that position if they were to draw balanced conclusions on the question. The Greek Cypriot community's attempt to relegate the Turkish people to the status of a minority was what had prevented the problem of Cyprus from being solved. Progress in reaching a solution would depend on whether or not that salient fact was accepted. The Turkish Cypriot community would never again let itself be persecuted by the Greek Cypriots, but it was prepared to live side by side in peace and mutual security with its Greek counterpart in a bizonal, bicomunal and Federal State. The preposterous allegations concerning his country were a tasteless manifestation of prejudice and enmity and merited no response. He appealed to the representative who had made them to spare the Committee such breaches of etiquette and to refrain from such uncalled-for allegations, which constituted an interference in Turkey's internal affairs.

24. Mr. PHEDONOS-VADET (Cyprus) said that the Turkish representative's complaint that the Cypriot delegation had brought up item 41 was another Turkish lie. Cyprus had been forced to reply to particularly harsh statements made by the Turkish representative on items 87 (a) and 100, and it had been in response to those replies that the Turkish representative himself had brought up item 41.

25. His delegation did not need to be taught lessons about the status of the Turkish Cypriots: it was Turkey which had invaded Cyprus and now occupied part of its territory. The allegations that his Government was mistreating the Turkish Cypriots as an ethnic minority were completely false, and the Turkish representative had, moreover, neglected to mention the status of minorities in his own country. He had accused the Government of Cyprus of human rights violations, but had overlooked the fact that his own Government had a very sad record of respect for human rights. The oppression of non-Turks in Anatolia and Thrace was the result not of the brutality of a single over-zealous general or the whim of a given Turkish Government, but of a well-thought-out and codified policy.

26. Mr. LOGOGLU (Turkey), speaking on a point of order, protested that the representative of Cyprus should not touch on matters which bore no relationship to the item under consideration.



27. Mr. PHEDONOS-VADET (Cyprus) said that under a law enacted in Turkey in 1964, parties were banned from acknowledging the existence of different races in Turkey and, under another law, activities aimed at developing any culture other than the Turkish culture were forbidden. Referring to statements made by two of Turkey's Prime Ministers and a Minister of Justice, he said that the Turks viewed themselves as reigning supreme in their country and saw everyone else as slaves. The President of the Parliamentary Assembly of the Council of Europe had recently characterized the new Turkish Parliament as non-representative and had found it regrettable that all parties had not been able to participate in the elections.

AGENDA ITEM 98: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES  
(A/38/12 and Add.1, A/38/85 and Add.1, A/38/134, 158, 168, 302, 399 and Corr.1, A/38/400 and Corr.1, A/38/427 and Corr.1, A/38/428 and Corr.1, A/38/429 and Corr.1, A/38/441 and 526)

(a) REPORT OF THE HIGH COMMISSIONER

(b) ASSISTANCE TO REFUGEES IN AFRICA: REPORT OF THE SECRETARY-GENERAL

28. Mr. HARTLING (United Nations High Commissioner for Refugees) said that the General Assembly's decision to continue the Office of the United Nations High Commissioner for Refugees (UNHCR) through 1989 was no cause for rejoicing, as it revealed that the tragic problem of the world's uprooted had not yet been solved; however, the fact that the work of that purely humanitarian and non-political organization would go on was encouraging.

29. UNHCR's greatest challenge in the years ahead would be to find durable solutions. Too many refugees on all continents were living in a state of dependency and had to rely on outside help to cover their basic needs; many were unable to lead a stable life because they lacked documents or had no status.

30. Refugees occupied a conspicuous place in the present-day world. Very often an unsolved refugee problem caused tension and was a stumbling block on the road to peace. The mere presence of large numbers of refugees in a given country could create social, economic or political difficulties which were compounded if there was little prospect of a solution that would enable them to become an asset and not a burden. UNHCR must therefore try to remain solution-oriented. Although it had a positive record of achievement - since its inception some 25 million refugees had found a new life - in the face of the great increase in the number of refugees over the last three decades it must redouble its efforts. The key to a solution, however, was not in its hands. It was a tool, at best a catalyst: it could help mobilize resources, arouse interest and reinforce concern for the plight of millions of human beings, but Governments had to create the necessary conditions to make solutions possible.

31. The best solution to refugee problems was voluntary repatriation, which normally resulted from accession to independence, a change in régime, amnesty or the end of a conflict, and thus was often linked to significant political developments. In the last four years, refugees had been returned to such countries

(Mr. Hartling)

as Burma, Nicaragua, Zimbabwe, Chad and Ethiopia. Through tripartite commissions consisting of the authorities of the country of refuge and of the country of origin and officials of UNHCR, material conditions were created which enabled repatriation to be a valid option for those refugees who decided to return to their countries of their own free will.

32. If that solution was not possible, UNHCR turned to the integration of refugees in their countries of first asylum: the Sudan, the United Republic of Tanzania, Zaire and China were places where local integration had been achieved or was underway. The problems involved in that approach were numerous, however. Refugees had a political impact and their presence might affect national concerns. They might, therefore, simply be unwelcome in the receiving countries and be forced to move on to third countries. More often, however, the major obstacle was the fact that they were concentrated in developing countries which had a very limited capacity to absorb any sizeable influx and where adverse technical conditions prevailed: limited arable land, water shortages, lack of work opportunities and insufficient infrastructure.

33. In August 1983, a meeting of experts on the subject of refugee aid and development had taken place near Geneva and, in their report, the experts called for a review of refugee assistance policies in low-income countries with a major refugee problem and for a new approach to the solution of such problems. That report was being studied by UNHCR, which would be contacting other interested organizations of the United Nations system and voluntary agencies to discuss the experts' suggestions and further co-operation with them.

34. If neither voluntary repatriation nor local integration were feasible, then recourse must be had to resettlement in third countries. That sometimes meant moving refugees half way around the globe, to new languages, new traditions and new values. Sometimes that solution was an absolute necessity, as was the case with approximately a million people from South-East Asia, half of them boat people. In that connection, he noted that the Programme of Orderly Departure from the Socialist Republic of Viet Nam had been gaining encouraging momentum. However, resettlement was not the only answer to the refugee problem in South-East Asia. UNHCR was exploring ways and means of stepping up the voluntary repatriation of certain groups and was studying the possibility of self-sufficiency schemes at a regional level.

35. In some instances, none of the solutions he had just reviewed was immediately possible: obstacles might be such that refugees were left helpless for extended periods. The successes gained, however, were a source of encouragement for the future, as millions of refugees still waited to rebuild their lives. In 1984, the international community would take a major step through the Second International Conference on Assistance to Refugees in Africa. In that connection, he wished to draw attention to the report of the Secretary-General (A/38/526) which was submitted in accordance with General Assembly resolution 37/197. In preparations for the Second Conference, UNHCR had been particularly mindful that the Conference should provide an opportunity, which would also be a joint responsibility for all

(Mr. Hartling)

participants, to try to put into practice some basic concepts guiding refugee aid. He was thinking in particular of the relationship between relief and developmental aid, and the primacy of durable solutions. The composition of the Steering Committee, namely, representatives of the Secretary-General, the Organization of African Unity, UNHCR and UNDP, reflected the need for a combined approach, covering political aspects as well as humanitarian and development schemes, and should ensure that all relevant facts were taken into account. Only a truly international effort in which asylum and donor countries and international organizations joined hands could ensure the success of the Second Conference.

36. He wished to pay a tribute to the countries that had received refugees in a positive way. All knew that the reasons for flows of people were not exclusively political. People might move for economic reasons or to flee natural catastrophes. However, at a time when negative reactions towards immigration were occurring all over the world and when economic migrants were posing as asylum-seekers in the hope of solving their immigration problem, it was vitally important to prevent restrictive attitudes from having negative consequences for persons making a bona fide request for asylum. Another cause for grave concern was the physical safety of refugees and asylum-seekers wherever they were, in camps and settlements, on land and on the sea. Pirate attacks on asylum-seekers in boats were continuing; he noted in that connection that UNHCR was co-operating closely with the Royal Thai Government on an anti-piracy programme launched more than a year before. An unfortunate trend had become clear with respect to rescue at sea: fewer ships meeting boat people were coming to their rescue. UNHCR had attempted to address that problem in many ways through contacts with maritime circles and active co-operation with the International Maritime Organization.

37. The two poles of UNHCR activities, protection and assistance, were closely linked. If durable solutions were not forthcoming, or if a refugee group was restless because of inadequate assistance, the receiving countries might be inclined to take more restrictive measures in the field of protection. Action by Governments, in keeping with their possibilities, was required. The spirit of burden-sharing must not be expressed only in empty words but must be implemented. He was sure that Governments would continue to assist UNHCR in its humanitarian work and would strive for humane solutions to the many problems of refugees in today's troubled world.

38. Mr. KOROMA (Sierra Leone), speaking on behalf of the Group of African States, expressed appreciation of the report of the United Nations High Commissioner for Refugees; he and his team were regarded by refugees in Africa as apostles of hope and succour. Over the years, African Governments had been concerned about the increasing numbers of refugees and had been attempting to alleviate their plight. Those Governments had a clear perception of what should be done and their joint efforts were being co-ordinated by OAU. They were impressed by the concern of the international community for the welfare of African refugees, as a result of which the lot of refugees had been improved since the 1981 International Conference on Assistance to Refugees in Africa. At that time, the Africans had sought to make the world aware of the plight of refugees on the African continent and of the

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(Mr. Koroma, Sierra Leone)

assistance required. Despite limited resources, the African countries had shouldered the burden of aid to refugees even though that had had severe consequences for their economies. The first International Conference had secured resources to help meet the refugees' basic needs but not the funds required for repatriation, rehabilitation or local settlement. Accordingly, the African countries had again put the matter before the United Nations, which, in General Assembly resolution 37/197, had decided to convene a second International Conference on Assistance to Refugees in Africa. The African Governments were pleased to see from the report of the Secretary-General (A/38/526) that preparations were well underway for the Second Conference, which would be convened at Geneva in 1984 and for which a list of priority projects had been established. The Africans appreciated the efforts of the Secretary-General and the High Commissioner to keep the African Group informed of the progress of the preparations. They were pleased that the Second Conference would be solution-oriented.

39. The African Governments agreed with the High Commissioner's view that in attempting to solve the problem of refugees, voluntary repatriation should be the first solution sought, followed by local integration and, lastly, resettlement in third countries. The Africans wanted the refugees to be self-sufficient and to lead normal lives, and the countries of origin, the countries of asylum, United Nations bodies and the entire international community should co-operate in seeking to attain that goal. He noted from the Secretary-General's report that the work of the United Nations Technical Team would be completed in December. He wished to pay a tribute to all organizations that had contributed to that work. The African Governments commended those countries that supported refugee programmes in Africa and called on them and others to work for durable solutions to the problem.

40. Mr. ROUKOUNAS (Greece), speaking on behalf of the 10 Member States of the European Economic Community, said that they had on several occasions expressed their deep concern about the plight of refugees, displaced persons and asylum-seekers in many parts of the world, caused by military conflicts, civil disturbances and violations of human rights. The Ten reiterated their position that certain basic principles should be respected in refugee situations, namely, the fundamental rights of refugees as human beings, the responsibility of the international community to take appropriate measures for safeguarding persons in those specific situations and the observance of the principle of non-refoulement.

41. The European Community had over the years given practical evidence of its concern about the world refugee problem and its willingness to help. All 10 countries had already admitted or had agreed to accept refugees for resettlement, and all had contributed to the funds of UNHCR. In that connection, it should be noted that as a follow-up to the Meeting on Refugees and Displaced Persons in South-East Asia held at Geneva in July 1979, the Community had contributed more than \$53 million through UNHCR to assistance for refugees in that region. In addition, as a follow-up to the International Conference on Assistance to Refugees in Africa, about \$24,000 had been allocated to that category of refugees. Programmes that were currently being financed by the Community in accordance with

(Mr. Roukounas, Greece)

the decisions taken in 1983 included food aid and cash emergency aid to a number of African countries amounting to approximately \$10 million. Food aid of an equivalent amount had been made available to UNHCR for its activities in South-East Asia, Pakistan and Central America. The sustained support of the European Economic Community and its members for the activities of UNHCR was guided by humanitarian considerations. The Ten hoped that that support would contribute to the promotion of durable solutions to the refugee problem.

42. Mr. ULRICHSEN (Denmark) said it was a sad fact that the global number of refugees and displaced persons still exceeded 10 million, most of whom were to be found in developing countries in Africa, Asia and Latin America. Developing countries with large refugee populations could not carry the refugee burden by themselves and needed substantial support from the international community in the form of assistance and offers of resettlement. A heavy responsibility for offering material assistance and legal protection also rested upon the Office of the High Commissioner.

43. As the High Commissioner had said, the overall situation of refugees and asylum-seekers had deteriorated considerably in many parts of the world. In certain areas, States continued to pursue more restrictive policies with regard to admission of asylum-seekers and provision of durable solutions. The situation concerning legal protection and treatment of refugees had also deteriorated, and there had been alarming examples of violation of the principle of non-refoulement. His Government wished to emphasize the obligation of States to observe scrupulously the legal standards and humanitarian principles which the international community had adopted for the protection of refugees. The High Commissioner's basic task of reaffirming and ensuring the effective implementation of the principles of international protection could be carried out effectively only with the co-operation of all Governments.

44. The first consideration was that Governments must avoid measures which were likely to create new refugee flows; such measures implied violations of the Universal Declaration of Human Rights. Once a particular refugee problem had arisen, Governments must take all necessary action within a comprehensive framework of international co-operation and burden-sharing to solve the problems by creating conditions favourable to voluntary repatriation or by helping asylum countries through assistance programmes or resettlement offers. Durable solutions for the refugee problem must be found as quickly as possible, but pending such solutions all refugees and asylum-seekers should enjoy durable legal protection against threats to or violations of their physical safety. His Government strongly condemned armed attacks on refugee camps and settlements, and it urged the Executive Committee of the High Commissioner's Programme to adopt without further delay the Draft Principles on the Prohibition of Military and Armed Attacks on Refugee Camps and Settlements. The efforts of UNHCR to protect "boat refugees" and to find places of resettlement for them should be supported by all States concerned. His delegation expressed its satisfaction with the development of the Programme of Orderly Departure, which was operating effectively.

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(Mr. Ulrichsen, Denmark)

45. The primary role of UNHCR - in addition to giving legal protection and providing care and maintenance - should be to promote durable solutions for refugees. However, durable solutions often could not be achieved in developing countries without including projects of a developmental nature in the assistance programmes. His delegation agreed with the High Commissioner, therefore, that UNHCR should assume responsibility for such development programmes whenever they principally benefited refugees and were necessary for the achievement of durable solutions.

46. Non-governmental organizations had an important role to play not only in implementing projects but also in raising funds from other sources. However, the bulk of the resources must be raised by the international community. The second International Conference on Assistance to Refugees in Africa (ICARA II) would provide an opportunity for further progress towards durable solutions to the refugee problems in Africa. Well-prepared, solution-oriented projects were indeed a prerequisite for gaining the necessary donor support and thus for laying a solid foundation for further concerted action.

47. His delegation was pleased to note that UNHCR's budget had now stabilized and that the projections for 1984 even forecast a slight decline in expenditures compared to the revised estimates for 1983. The projected financial target of \$US 368.5 million for the General Programmes and the Emergency Fund would require substantial contributions from member countries, which should be made with a view to more equitable burden-sharing. Denmark itself had contributed more than \$US 6 million in 1983 and had recently granted an addition \$US 2.4 million, taking into account in particular the large numbers of refugees in Pakistan, South-East Asia, the Horn of Africa, the Sudan, and Central America.

48. Mr. van WELL (Federal Republic of Germany) said that it could be seen from the documents submitted that the problems connected with assistance to refugees had not become any easier to solve in the 12 months since the Committee had last met to discuss the refugee situation. As the High Commissioner had stressed in his report, the primary objective of all UNHCR activities was the achievement of durable solutions, through which refugees became wholly self-sufficient and no longer required international support. His delegation welcomed the Executive Committee's request put forward during its thirty-fourth session that the High Commissioner should make every effort to increase the proportion of funds earmarked for the promotion of such solutions. It fully shared the High Commissioner's view that voluntary repatriation was the best solution to refugee problems.

49. With regard to local integration and settlement of refugees, he said his Government had earmarked funds for that purpose, to be used both bilaterally and multilaterally, partly in the form of trust funds to UNHCR. His delegation also fully endorsed the view of the Executive Committee that there was a need for carefully prepared and realistic project submissions in order to ensure the success of the ICARA II conference.

(Mr. van Well, Federal  
Republic of Germany)

50. With reference to the physical safety of refugees he said his Government sincerely hoped that the experts meeting at Geneva would soon be able to overcome the remaining difficulties in the elaboration of the Draft Principles on the Prohibition of Military and Armed Attacks on Refugee Camps and Settlements. In many cases durable solutions to refugee problems could be achieved only if they were backed up by financial and development assistance. His Government had always been one of the main contributors to UNHCR programmes and would continue to support the High Commissioner's valuable work in the future. His Government's share in the 1982 UNHCR budget had amounted to more than \$US 16 million, and it would make an effort to surpass that figure with the current year's contribution.

51. At the same time, it wished to draw attention to the need for improving international co-operation to avert new massive flows of refugees, which were a challenge to the social and political order and which required, in addition to relief efforts dealing with their consequences, preventive political action addressing their causes.

52. It was to be hoped that the humanitarian efforts of UNHCR and other relief organizations, as well as preventive international co-operation, would be able to alleviate permanently the misery of the innumerable men, women and children compelled to leave their homes and seek refuge in foreign lands.

53. Mr. EKBLOM (Finland) said that his delegation welcomed the relative stabilization of the refugee situation which had enabled UNHCR to focus increasingly on the pursuit of durable solutions. Efforts to facilitate the repatriation of refugees should be made wherever and whenever politically practicable. Only when it had been established that voluntary repatriation was not possible should UNHCR turn its attention to local or regional integration of refugees. It was important for the international community to help the economies of countries of first asylum, which were often among the poorest countries, to cope with the problems and offset the losses caused by large refugee populations. An important element in the planning of durable solutions was the type of programme that encouraged self-sufficiency among the refugees. His Government had channelled resources to such programmes in Pakistan and in the Sudan.

54. In the context of self-sufficiency and income-generating programmes, the debate concerning the dividing line between relief and development co-operation had not yet been concluded. His delegation welcomed the decision taken by the Executive Committee to revert to the question at its next meeting in January 1984. Clarification of such problems might be of relevance also in the preparations for ICARA II. From the point of view of both donor and recipient countries, it was important for the preparations for that conference to contribute to the formulation of both realistic and economically feasible project proposals. Finland stood ready to support action in favour of a successful conference.

55. The protection of refugees was one of the central issues facing UNHCR. In various regions, the physical safety of refugees and asylum-seekers had been violated, fewer refugees were being rescued on the high seas, and there seemed to

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(Mr. Ekblom, Finland)

be increasing restrictions on the granting of asylum and the determination of refugee status. His delegation hoped that the Executive Committee, in informal consultations to be carried out by its Chairman, would be able to overcome the remaining difficulties in reaching consensus on the draft principles relating to the prohibition of military and armed attacks on refugee camps and settlements.

56. Co-operation between agencies working for common goals, and co-ordination of inputs towards that end, were constantly being discussed. The delegation of Finland to the most recent meeting of the Executive Committee had raised the point that the document on UNHCR's assistance activities had only listed the different organizations without providing direct information on their substantive importance or relevance to UNHCR, whereas the common cause could be served by an approach that would clearly recognize the value of various inputs. For example, in Finland several non-governmental organizations, the Finnish Refugee Council, church organizations and trade unions contributed both by raising funds for assistance and by doing a great deal to increase public awareness of refugee problems around the world. Such efforts should be encouraged.

The meeting rose at 1.05 p.m.