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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Thirty-fifth session

SUMMARY RECORD OF THE 374th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 October 1984, at 10 a.m.

Chairman: Mr. MEBAZAA (Tunisia)

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The meeting was called to order at 10.20 a.m.

TRIBUTE TO THE MEMORY OF H.E. Mr. IRAWAN DARSA, PERMANENT REPRESENTATIVE OF INDONESIA

1. The CHAIRMAN said that it was his sad duty to inform members of the sudden death of H.E. Mr. Irawan Darsa, Permanent Representative of Indonesia.
2. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of H.E. Mr. Irawan Darsa, Permanent Representative of Indonesia.

INTERNATIONAL PROTECTION (agenda item 6) (continued) (A/AC.96/643, A/AC.96/649, A/AC.96/INF.172, EC/SCP/34/Add.1)

3. Mr. DESY (Belgium) said that, in spite of the message of hope transmitted by the Director of International Protection, the general situation with regard to the international protection of refugees continued to give serious concern; there had been repeated and flagrant violations of international statutes and legal instruments, frequent instances of lack of impartiality in granting asylum and failure to observe the principle of non-refoulement and, even more serious, physical assaults on refugees. Against that background, it was essential that the Executive Committee should give unreserved support to the High Commissioner in his activities. He should have access to refugees under his protection throughout the world and the right to intervene on their behalf with the Governments of host countries. Arguments concerning national sovereignty should not be allowed to impede his activities.
4. The information document listing the countries which had ratified the various international conventions concerning refugees (A/AC.96/INF.172) would be particularly useful to all those concerned with the legal and social status of refugees and should be circulated as widely as possible. The Note on International Protection (A/AC.96/643) had emphasized on several occasions the importance attached by the High Commissioner to the question of determining the status of refugees. His delegation believed that all countries enacting or revising legislation on that subject should always make full use of the rules drawn up by the Executive Committee some years earlier. The authorities dealing with refugee questions should also be given the opportunity to consult UNHCR in order to work out appropriate solutions in new situations, especially when dealing with some of the delicate and problematical cases that were liable to arise in regard to the definition of the term refugee. There were occasions, for example, where refugees under UNHCR protection did not enjoy refugee status under the 1951 Convention, i.e. where they were still under the protection of their national Governments and in possession of national passports.
5. Some of the provisions of the draft conclusions formulated by the Sub-Committee of the Whole on International Protection in connection with military attacks on refugee camps and settlements (EC/SCP/34/Add.1), in particular paragraph 8, appeared to be retreating from certain principles long proclaimed in the United Nations. The Executive Committee should be careful not to water down the principles of the Declaration on Territorial Asylum contained in General Assembly resolution 2312 (XXII), thus converting it into no more than a conditional recommendation. It was vital that the text finally adopted should not in any way weaken the humanitarian obligation to respect the principle of asylum.

6. With regard to the rescue of asylum-seekers at sea, he confirmed that his country's authorities strictly applied the rule of admitting all refugees rescued at sea by Belgian ships into Belgium. His Government was at present studying the possibility of participating in the RASRO scheme and also in the DISERO scheme. He fully supported the proposals in regard to identity documents for refugees, which were in conformity with current Belgian practice. He endorsed the view expressed by the High Commissioner and the Director of International Protection that the difficulties involved in the international protection of refugees could best be brought home to Governments and to public opinion by means of an intensive publicity campaign.

7. Welcoming the High Commissioner's proposal to hold a seminar in 1985 on asylum in Europe, he emphasized the vital importance of very careful preparation and advanced circulation of documents to participating Governments.

8. Mrs. RUESTA de FURTER (Venezuela) said that the general picture of the international protection of refugees was one of almost unrelieved gloom - problems over their admission to countries of resettlement, intensified restrictions, instances of deterrence, military attacks on refugee camps and resettlements, failure to rescue refugees in distress at sea, increasing xenophobia and a significant erosion of the right of asylum.

9. Latin America had a long-standing tradition of granting asylum to refugees from political persecution. More recently, the Contadora Group, of which Venezuela was a member, had been seeking to provide humanitarian aid to Central American refugees displaced from their countries - and if possible, in co-operation with UNHCR and other international agencies, to create suitable conditions for their voluntary repatriation. It was of course necessary to ensure, at the same time, as the representative of Mexico had pointed out, that refugees did not take part in activities directed against their country of origin. In November 1984, the international protection of refugees in Central America would be the subject of a seminar sponsored by the Government of Colombia. The seminar would consider practical problems of assistance to refugees and at the same time attempt to clarify the existing legal concepts which seemed rather restrictive in view of the new situations that were arising.

10. There were three points in the report of the Sub-Committee on International Protection to which she wished to draw particular attention. First, it was vital to achieve a consensus on the condemnation of military attacks on refugee settlements and camps; her delegation would continue to show flexibility in that regard in order to facilitate an agreement on preventing such odious attacks and the use of refugees for warlike purposes. Second, her delegation fully supported RASRO and DISERO schemes. It approved, in that connection, the award of Nansen Medal to the Captain and two crew members of the "Rose City", as an example to other masters and crews. Third, it was gratified that a consensus had been reached on identity documents for refugees, which would greatly assist those responsible for refugee administration.

11. Mr. ZHANG Xilin (China) said that the main reasons for refugees leaving their country of origin were unsatisfactory living conditions and the impossibility of finding durable solutions. It was therefore important to establish machinery for consultation between countries of first asylum and UNHCR to accelerate procedures for resettlement in third countries and to devise more effective arrangements for the time spent in countries of first asylum. In all cases, the international community needed to provide support to countries of first asylum, in implementation of the principle of burden-sharing.

12. His delegation supported the sound and reasonable views expressed by the Sub-Committee on the issuance of refugee identity documents. Although UNHCR could, if necessary, request the issue of refugee documents, their issuance was the sole responsibility of the Government concerned.

13. Mr. MOTT (Australia) noted that the High Commissioner's work on protection was no longer restricted to the setting and implementation of standards, important though that activity remained, but was now closely concerned with a widening variety of issues and initiatives aimed at providing refugees with lasting protection. The active promotion of durable solutions, coming to terms with the reality of temporary refuge, timely assistance to refugees in distress and the rescue of asylum-seekers at physical risk were all important aspects of a comprehensive approach to protection. Such essentially humanitarian work might also on occasion have major political implications.

14. The positive developments highlighted in the High Commissioner's Note on International Protection were outweighed to a disturbing extent by the areas of concern. His delegation endorsed the High Commissioner's comments on the complexity of a number of current refugee situations, particularly as they involved mass influxes where asylum-seekers might be economic emigrants or illegal immigrants, and particularly as they related to countries of first asylum. UNHCR must be resourceful in the search for and the promotion of durable solutions and at the same time vigilant in ensuring absolute compliance with the fundamental principle of non-refoulement. It was at the same time incumbent on the international community to share the heavy burden borne by countries of first asylum.

15. The High Commissioner had pointed out with concern that the attitude of some countries of first asylum had been tempered by changes which they had detected in the causes of refugee flows, and that the treatment of refugees had suffered accordingly. Nevertheless that development had to be seen against the background of those changes in the causes of refugee flows and in the nature and magnitude of those flows since the time when the 1951 Convention had been drafted. The repercussions - political, economic and humanitarian - on countries of first asylum were often more complicated and imposed greater burdens than had been envisaged at the time of drafting of the Convention. The view of asylum as a temporary state, held by some countries, often reflected a sentiment that more appropriate durable solutions should be found, in particular, voluntary repatriation, a solution which should always be actively and promptly sought. As the Executive Committee was doubtless aware, Australia had been promoting the further examination of the practice of granting temporary refuge in certain situations.

16. Although the draft conclusions on the prohibition of attacks on refugee camps and settlements, submitted by the Sub-Committee on International Protection, had not yet been finalized, their humanitarian objective could enjoy the international community's whole-hearted support. At the same time, the draft conclusions also raised important political questions concerning the maintenance of peace and security in sovereign States, which obviously needed very serious examination.

17. His delegation gave its full support to the Sub-Committee's conclusions with regard to the RASRO scheme and hoped to see it implemented on a trial basis in the near future. It also appreciated the work of the International Institute of Humanitarian Law at San Remo, Italy, in developing new approaches to traditional principles and modern refugee problems.

18. Mrs. KSENTINI (Algeria) said that every year, more States became parties to the 1951 Convention and the 1967 Protocol, which showed clearly the importance the international community attached to the cause of the refugees. Since the establishment of the Sub-Committee of the Whole on International Protection in 1975, notable efforts had been made to improve the protection of refugees. Its constructive conclusions had provided valuable guidelines for the international community in that regard.

19. However, it was a fact that the fundamental rights of refugees recognized in various legal instruments were being infringed. Many States were adopting an increasingly restrictive attitude towards asylum-seekers and even proceeded to refoulement. As the High Commissioner had pointed out on several occasions, there was a veritable erosion of the fundamental concept of asylum. It was also disquieting to note the tendency to regard asylum as temporary; at the same time requests for resettlement were refused, thus increasing the number of refugees in orbit. Yet many countries of asylum, confronted with serious economic difficulties, agreed to make additional sacrifices and to accept thousands of refugees to whom they offered assistance and protection. Her delegation appreciated the High Commissioner's efforts to draw the attention of the international community to the basic aspects of international protection.

20. During the past two years, the question of international protection had assumed a new dimension with the occurrence of acts of piracy and military attacks against refugee camps and settlements that threatened the physical and moral integrity of refugees and asylum-seekers. The Executive Committee had already expressed its deep concern at such actions and had rightly condemned them, whether in southern Africa, the Middle East or elsewhere, in its conclusions Nos. 14 (XXX), 20 (XXXI), 21 (XXXII) and 27 (XXXIII).

21. It was therefore inexplicable that, after two years of work, no consensus had been forthcoming on draft principles prohibiting such attacks. She wondered whether the unprecedented scope of the massacre at Sabra and Chatila had faded from memory and whether the legal quibbles used to prevent a compromise should be viewed as indifference to the fate of the victims.

22. Her country had no other interest in the matter than that dictated by a feeling of solidarity with those refugees facing the same situation in Asia that had confronted her country's civilian population in settlements in Tunisia during the Algerian war for independence.

23. Her delegation considered that the countries of asylum had demonstrated a conciliatory and constructive attitude throughout the consultations that had taken place over the past two years. Important concessions had been made, particularly with regard to the status of the document that was initially to have been a declaration solemnly adopted by the General Assembly. The countries of asylum had also agreed to shoulder their responsibilities relating to the protection of refugees despite the additional burden involved.

24. It was therefore logical that a document prohibiting military attacks against refugee camps and settlements should unequivocally condemn such attacks, which were committed in violation of the most elementary rules and principles of international law and also constituted an act of flagrant aggression against the countries of asylum. Her delegation stressed the importance of dialogue and hoped that the two years of consultations would not have been in vain.

25. Mr. TRAUTTMANSDORFF (Austria) said it was clear that the international community must associate itself with the High Commissioner's efforts to halt any erosion of the basic principles of international protection and to reverse trends detrimental to the security and well-being of genuine refugees and asylum-seekers. His delegation, as ever, firmly supported the High Commissioner in his endeavours.
26. His delegation's proposal that the High Commissioner should entrust an experienced and independent personality to carry out a study of the situation was based on a number of considerations. The Executive Committee needed ample information in order to have a useful debate and to be in a position to give ideas and advice to the High Commissioner and Governments on possible solutions to overcome the problems that had arisen in the field of international protection. It would, of course, be for the High Commissioner to decide who was best qualified to provide all the information required by the Committee to enable it to reach agreement on possible emergency measures to remedy any damage or threat to the basic principles of international protection. Political and humanitarian considerations or the concern to safeguard the impartial and universal authority of the High Commissioner might well lead him to select an independent person unconnected with his Office. Alternatively, the debate in the Executive Committee might also be prepared by a small working group of experts, as in the field of refugee aid and development.
27. In order to ensure an effective public relations campaign which his delegation considered to be of utmost importance the High Commissioner might also wish to make use of high-level groups, seminars, round tables, press conferences and parliamentary hearings. Increased contacts with parliamentarians could also have important repercussions on fund-raising.
28. His delegation would appreciate any action which might influence moulders of public opinion and political decision-makers to reverse trends detrimental to the protection of refugees. It also appreciated the High Commissioner's untiring efforts to protect refugees through intensified and discreet contacts with the authorities of the countries in which they lived.
29. It hoped that it would be possible to reach agreement on a text which would condemn military attacks against refugee camps and settlements, strengthen the hands of the High Commissioner and give guidance to the States concerned regarding the measures that could be taken to prevent a recurrence of such appalling acts.
30. Mr. DAVEREDE (Argentina) said, with regard to the report of the Sub-Committee of the Whole on International Protection that it was regrettable that no concrete progress had been made on the tragic and pressing issue of military and armed attacks against refugee camps. His delegation was confident that the ongoing negotiations would lead to results that would help to achieve a solution in the matter. However, that would be possible only if the delegations directly concerned demonstrated a genuine desire for negotiation and a will to achieve agreement on a text.
31. In regard to the rescue of asylum-seekers in distress at sea, the report of the Sub-Committee showed that the two programmes aimed at producing practical results, the DISERO and RASRO plans, should be implemented as quickly as possible. With particular regard to the latter, there seemed to be a consensus in favour of prompt implementation and his delegation therefore supported the relevant conclusions in the report of the Sub-Committee.

32. On the issuance of identity papers to refugees, his delegation considered that the conclusions in the report of the Sub-Committee were compatible with the relevant international provisions, in particular the clear obligation laid down in the 1951 Convention, and it therefore hoped that the Executive Committee would approve them.

33. The Executive Committee could not look on impassively, confining itself to more or less futile condemnations, while the protection of refugees throughout the world steadily deteriorated. In the general debate, his delegation had suggested that the High Commissioner should study the possibility of adopting more effective measures, whether through the use of existing international machinery for dealing with human rights violations or through recourse to other and equally effective methods which would put an end to the impunity enjoyed by the States concerned. The delegation of Austria had made a statement along similar lines and had suggested the appointment of an eminent personality to carry out a study, with a view to ensuring the protection of refugees. In his delegation's opinion, that could be a viable solution and it hoped that that initiative and others along the same lines would receive widespread support and be implemented.

34. The Note on International Protection submitted by the High Commissioner expressed concern at the restrictions and limitations imposed by some States on the 1951 Convention. In particular, it referred in paragraph 35 to the so-called "geographical limitation" maintained by some States which restricted the obligations of those States to persons who had become refugees in Europe. As his delegation had already pointed out, the Argentine Congress had put an end to that limitation and Argentina should therefore be deleted from the list of countries that maintained it. The development was a particularly auspicious one, since the majority of refugees in Argentina were not from Europe.

35. In conclusion, he reaffirmed his Government's commitment to the cause of protecting refugees. It should be noted that Argentines who were now returning to their homeland enjoyed full protection of their constitutional rights.

36. Mr. van SCHAIK (Netherlands) said that the High Commissioner's Note on International Protection (A/AC.96/643) had drawn attention to a number of highly disconcerting trends that were undermining the essentials of refugee legislation and leading to an erosion of the refugee concept itself as well as of the concepts of asylum and non-refoulement. Apparently, a major cause was not so much xenophobia as the view that a large proportion of the people claiming refugee status and asylum were not refugees or, if they were, that they had already acquired protection in some other country. The process was part of the more general phenomenon of transfrontier and transcontinental flows of people moving from less developed to more developed countries in search of economic betterment. Against that background, genuine claims to refugee status and asylum were easily perceived as mere pretexts for immigration requests that would otherwise virtually stand no chance of being granted.

37. Procedures should be such that the submission of unjustified applications would not be detrimental to genuine refugees and asylum seekers. In its 1983 conclusion on the problem of manifestly unfounded or abusive applications for refugee status or asylum, the Committee had recommended certain procedural guarantees to safeguard the interests of those applicants with good grounds for such requests. The willingness to ensure that a distinction continued to be made between genuine refugees or asylum

seekers and others was the key to the survival of the refugee concept. It was therefore encouraging to learn that some governments had reinforced their procedure for the determination of refugee status. In his own country, the recommended procedures had already been implemented for some time and his Government was prepared to share its experience in that regard with others.

38. Some delegations had noted that, sometimes, refugee status was granted too liberally to persons who did not fulfil the criteria for such status, but who entered a country together with others who did qualify. In such a case, arrangements should be made for an individual determination of refugee status to be made at an appropriate time and a course of action subsequently defined. As to the argument that people whose claims to refugee status could not be substantiated had no right to asylum and might be required to return to their country of origin, his Government thought that consideration should be given to admitting them if there were compelling reasons of a humanitarian nature, particularly in view of the political situation in their country. Only a judicious, and not restrictive, application of the refugee concept could protect it from erosion. UNHCR had a crucial role to play in safeguarding the refugee concept by exercising exemplary judiciousness in fulfilling its protection function.

39. His Government was also concerned about the increasing tendency to grant asylum on a temporary basis only. Asylum should, in principle be granted on a permanent basis. If voluntary repatriation was not feasible, durable solutions should be sought in the country of first asylum, which would often be located in the region of origin of the refugees concerned. The latter would enhance the possibilities of integration into the local community and facilitate eventual voluntary repatriation. The international community should, in a spirit of international solidarity and burden-sharing, come to the assistance of those asylum countries - often also the poorest - with the greatest number of refugees. Resettlement was to be regarded as an instrument of last resort. Yet, it should be a real option. Therefore, enough resettlement places should be made available in support of the protection function of UNHCR.

40. His Government remained ready to assist the High Commissioner in his efforts to develop local integration programmes and strengthen resettlement mechanisms, which would also obviate irregular movements of refugees from countries of first asylum to more remote countries of second asylum and its destabilizing effect, especially on refugee communities. In order to be effective, resettlement procedures should establish which refugees would need to be resettled and which would not. To that end, it would be useful to establish mechanisms for consultations between countries of second and first asylum as well as between those countries and UNHCR, as had been suggested by the High Commissioner. In addition, UNHCR should be called upon to co-ordinate any transfer of refugees from one country of asylum to another to ensure their protection and address the problem of "refugees in orbit". However, the High Commissioner's proposals would require further elaboration. His delegation therefore supported the suggestion made by the Canadian delegation that UNHCR should undertake a study of the subject, perhaps in a working group. The working group's recommendations could then be submitted to the thirty-sixth session of the Executive Committee.

41. His delegation was deeply concerned about the so-called "policies of humane deterrence" pursued by a number of countries. Especially unnecessary detention of asylum seekers and refugees as a deterrent to others was in conflict with the letter and spirit of the 1951 Convention.
42. In conclusion, it wished to stress that failure to reach agreement rapidly on a draft text of conclusions on military attacks on refugee camps and settlements would be tantamount to failure to perform a vital humanitarian task.
43. Mr. YASSEIN IBRAHEEN (Sudan) said that his Government had always regarded the right of refugees to protection as a legal human right, as had been demonstrated by its accession to the 1951 Convention and 1967 Protocol as well as by its promulgation of a National Refugee Law in 1974. He thanked the Director of International Protection for covering all the legal aspects of that problem in his statement at the Committee's previous meeting.
44. He noted that the Sub-Committee of the Whole on International Protection had not been able to reach a consensus on viable solutions to the problem of military attacks on refugee camps and hoped that a set of equitable principles would be formulated as a matter of urgency. The principles should emphasize the strictly humanitarian character of refugee camps and settlements. They should ensure that the High Commissioner was authorized to intervene whenever an attack was perpetrated, and should emphasize above all else that the protection of refugees was an international responsibility.
45. With regard to the rescue of asylum seekers in distress at sea, he hoped that UNHCR would continue to win support for the RASRO and DISERO schemes.
46. Respect for the rights of refugees was a national obligation. At the same time, the laws of the host country should be respected and its national security guaranteed.
47. In conclusion, he drew the attention of the Executive Committee to the plight of Palestinian refugees living in camps. Their situation had not improved, although provision for their protection had been made by the international community in a large number of resolutions and the problem had been discussed at many conferences.
48. Mr. HEGNER (Switzerland) noted that continued efforts would have to be made in the Sub-Committee of the Whole on International Protection in order to reconcile differences of opinion on the draft text of conclusions on the problem of military and armed attacks on refugee camps and settlements, particularly with regard to its implementation.
49. His delegation shared the concern of the Director of International Protection with regard to the problem of migrations caused by "man-made disasters". The increasing mobility of victims of man-made disasters had led to more transcontinental migrations, whereas a decade earlier, migrations had been largely regional. The reasons for leaving one's country of origin had also become much more diversified and asylum was no longer being sought for purely political reasons.
50. The international community was familiar with the definition of "refugee" as formulated in article 1 of the 1951 Convention; it was also aware that economic considerations did not constitute sufficient grounds for granting that status and recognized the validity of refusing unjustified requests, after careful consideration. Beyond that point, however, in the interests of the community it represented, a government must shoulder its responsibilities and exercise its free and sovereign

power with regard to the admission and residence of aliens. Responsive at all times to a wide variety of individual cases, a Government might also decide to allow aliens whose requests for asylum had been refused to remain on its territory.

51. The current situation required the international community to examine a number of questions. How could one best respond to contradictory trends in public opinion and humanitarian concerns? Which criteria should be used in evaluating the general situation of a poor country of origin and the development of the individual? Who could determine the actual risks to the refugee who must return to his country? How were future applicants who had no likelihood of being granted asylum to be alerted to that fact?

52. UNHCR could play an active role in that context. Several specific proposals had been made during the general debate and other meetings. It was now time to act. His country would prefer a multilateral initiative that would convene all the parties concerned, including the countries of origin. The topic or types of problem which would be dealt with should be decided in advance and discussion confined to specific situations and situations that might develop in the near future.

53. Many host countries were implementing policies which were extremely generous and sensitive to the needs of refugees. Furthermore, a number of countries, including Switzerland, were planning to examine the relevant issues in a broader context in which development aid to the countries of origin of refugees and possible solutions to the causes of refugee outflows would also be considered.

54. Mr. EL HAFDHI (Tunisia) said that his delegation had been particularly concerned about the frequent violations of the physical safety of refugees and asylum seekers and had hoped that a consensus could be achieved on a draft set of principles on the problem of military attacks directed against refugee camps and settlements at the Executive Committee's current session.

55. He noted that, thus far, no consensus had been reached, but that the Sub-Committee would continue to work to that end. As his delegation had already suggested, if a consensus could not be reached, a text that reflected the points on which there was agreement might be adopted and unresolved questions such as that of armed attacks could be examined in greater depth subsequently.

56. He thanked the Director of International Protection for his clear and comprehensive presentation of all the problems related to international protection. In that context, his delegation was concerned about those States which applied restrictive measures with regard to refugees or simply disregarded altogether their international obligations under the 1951 Convention and 1967 Protocol.

57. His country supported the broadest possible definition, based on General Assembly resolutions, of the term "refugee", and considered that the Secretary-General had been right to draw attention to the most common contemporary manifestation of the refugee phenomenon, i.e. the massive outflows of people fleeing armed conflict or regions in the throes of political upheaval. An unprecedented political upheaval had taken place on the Middle East in the 1940s, resulting in the tragic situation of the Palestinian people. Having granted them refugee status, the international community was duty bound to guarantee them the protection they needed. Protection was due to all refugees, irrespective of their nationality or situation, and every effort should be made to find a solution to that problem.

58. Mr. DE SOUZA (France) said that the Director of International Protection had drawn attention to the distinction between the traditional concept of the refugee based on the 1951 Convention and the broader definition which had its legal basis in various General Assembly resolutions. The distinction was an important one and gave rise to legal problems in the area of international protection.

59. His Government welcomed the extension of UNHCR's mandate to include civilians fleeing en masse from their countries for reasons beyond their control, for it would be inadmissible to abandon those people or make the country of refuge responsible for them.

60. At the same time, France considered that recognition of the status of refugee continued to be determined by the criteria of the 1951 Convention. While his Government sympathized with the Director's desire for the two definitions to be linked up, several factors prevented his Government from rallying to that view. First, the refugees included in the broader concept were often waiting for the situation to improve in order to return to their country of origin. That category of refugee was less likely than the "traditional" refugee to seek asylum in distant countries such as France. Second, France granted refugee status to South-East Asians who had received authorization to come to France. In view of its historical ties with that region and for the sake of the people who totally rejected the political system under which they lived, his Government acknowledged that it was its duty to apply the criteria of the 1951 Convention with flexibility and discernment.

61. In conclusion, he said that irrespective of the definition of the concept of the refugee, his Government considered that the best solution to the refugee problem was voluntary repatriation. The action taken by the international community to that effect should be determined by the particular situation and could take the form of diplomatic initiatives, assistance or development aid.

62. Mr. CHRAÏBI (Morocco) said that the co-operation and support of the international community were needed to ensure that the refugees who came within the jurisdiction of UNHCR as well as those within that of other United Nations organs were treated in accordance with basic humanitarian principles.

63. The High Commissioner's Note on International Protection contained positive elements: the legal framework for international action on behalf of refugees had been strengthened and an increasing number of States was acceding to the 1951 Convention and the 1967 Protocol. However, there were also causes for concern: the restrictive measures which were being implemented by some countries with respect to asylum, refoulement, acts of piracy and the refusal of passing ships to assist asylum seekers in distress at sea.

64. The delegation of Morocco had followed the Sub-Committee's work and wished to thank Ambassador Ewerlöf for his dedicated efforts and reports. The problem of military attacks on refugee camps and settlements was a particular cause for concern. Camps in southern Africa were frequently attacked by the armed forces of the racist regime of South Africa despite the condemnation of the international community. In the Middle East, Palestinian refugees were often victims of military or armed attacks. His delegation wished to point out that no international protection had been established for the Palestinian refugees and that it was the duty of the international community to do so as a matter of urgency. His delegation regretted that a consensus had not been reached on the draft text submitted by the Chairman of the Sub-Committee (EC/SCP/34/Add.1). That text had been favourably received by a number of delegations, including his own, and he therefore hoped that it would be possible, through consultations, to agree on a generally acceptable text. Morocco had always unequivocally condemned barbarous acts against innocent people. It considered that, in order to protect such people, the host country should be under a duty to ensure that refugees were not involved in activities that could provoke armed attacks in the guise of reprisals

and, furthermore, that asylum countries should ensure that refugee camps and settlement areas were used exclusively for civilian and humanitarian purposes. It was also extremely important to settle refugees at a reasonable distance from the borders of States from which such armed attacks could emanate. Those principles were in keeping with the instruments to which his country had acceded. Lastly, UNHCR representatives should have full access at all times to camps and settlement areas in order to promote the conditions that would guarantee the security of persons living there. If all those conditions were met, any military or armed attack against refugee camps and settlement areas would constitute a serious violation of existing instruments and of the fundamental principles of international humanitarian law. Just as it was necessary to lay down in clear terms the responsibility of countries or groups of individuals guilty of such attacks, so was it essential to define in clear terms the responsibility of asylum countries and of refugees themselves.

65. Given the urgent and serious nature of the matter, the Executive Committee would undoubtedly be anxious to respond to the hopes vested in it by those who, in addition to mental suffering, were exposed to the risk of serious physical harm.

66. Ms. SJÖLANDER (Sweden), noting that the High Commissioner had referred to "intercontinental jet-age asylum-seekers" and to the "erosion of the fundamental concept of asylum", said that some delegations had suggested that such problems should be further studied and analysed. Her delegation considered that additional information in that connection would be of great value for UNHCR's future work and it would therefore welcome any initiative which the High Commissioner might feel was appropriate.

67. Mr. RAMLAWI (Palestine Liberation Organization) said that those who were most keenly aware of the need for international protection were the refugees themselves since it was they who suffered persecution due to lack of such protection. Furthermore, the fact that certain countries which had created the refugee problem repeatedly committed crimes such as genocide in order to settle it engendered another, far more complex, problem.

68. More than one half of the Palestinian people were refugees living either in camps under Israeli military occupation or outside the occupied territories. There was certainly nobody present who had not heard of, or seen on their television screens, how the Israeli military machine, with its abhorrent United States weapons, had destroyed Palestinian refugee camps in Lebanon, nor how Israeli occupation forces had supervised the unprecedented massacre at Sabra and Chatila on 16 and 17 September 1982 which had caused hundreds of victims including women, children and elderly people. Nor again could any of those present be ignorant of the odious massacre at Ain Helweh committed in recent months by Israeli occupation authorities in Sidon in Lebanon. And the situation of refugees in camps under Israeli occupation in the West Bank and Gaza Strip was no better than that of their brethren in neighbouring countries. Palestinian people in camps in Arab countries were threatened with extermination aimed at solving the Palestinian problem, a problem to which the international community was unable to find an equitable solution owing to Israel's obstinacy and the support it received from the United States.

69. Israel's most notable attempt to uproot Palestinian refugees involved a plan to eliminate existing camps in which the Palestinians driven from their homes in 1948 were gathered and to relocate them in camps in the West Bank and Gaza Strip. About 1 million other refugees were settled in the East Bank and the Lebanon. The authorities continued to expel Palestinians from their country and the number of refugees grew as a result of threats of assassination, expropriation of land and property, and various forms of intimidation.

70. The military action against Palestinian camps in which Israel, and those who supported it, engaged had given rise to problems of asylum which had spread to certain European countries, thereby underlining the serious deterioration in the situation. Pending a solution that would provide for the return of the Palestinians to their homeland the need for international protection was urgent.

71. He trusted that the question of international protection would be reflected in the Executive Committee's report in a manner that was not inconsistent with the inalienable rights of Palestinian citizens as laid down in the relevant United Nations resolutions.

72. Mr. KOZLOWSKI (International Council of Voluntary Agencies) (ICVA) said that the voluntary agencies were concerned at the increase in the number of cases in which asylum was refused, and had been particularly surprised to learn that certain European governments - in the very countries that had developed the principles of modern refugee law - had been unable to agree on a few elementary rules in that regard. It was therefore to be hoped that the Executive Committee would agree on precise rules as soon as possible.

73. The Note on International Protection (A/AC.96/643) referred to the new measures of deterrence being taken by an increasing number of Governments to prevent or dissuade refugees from seeking asylum in their countries. In that connection, he referred the Executive Committee to the "Conclusions on the treatment of refugees, with particular reference to the problem of detention" which had been adopted by the International Institute of Humanitarian Law.

74. The voluntary agencies were also concerned at the widespread increase in the number of violations of asylum and at the failure to observe the principle of non-refoulement. That principle had been infringed, inter alia, by extradition which, with its attendant legal formalities, had an aura of respectability. Indeed, the cases which had recently attracted most attention had occurred in countries which had legal institutions of repute. Voluntary agencies believed that, when charged with a crime, refugees and asylum seekers should not be extradited to the very country from which they feared persecution, but should be judged in the country in which they sought asylum.

75. As to the physical safety of refugees, at the Executive Committee's thirty-fourth session, ICVA had endorsed the principles put forward in Mr. Schnyder's report regarding military attacks on military camps and it looked forward to a final agreement between States on the matter. ICVA supported any measure to rescue refugees in distress on the high seas, and shared in the universal admiration for those seamen who discharged their duty against all odds. It trusted that those Governments which had not yet done so would participate in the RASRO scheme, and that further support would be given to the DISERO scheme. Voluntary agencies also believed that Governments should give more effective support to the Secretary-General, the High Commissioner and the International Committee of the Red Cross in their efforts to eliminate or reduce pirate attacks on asylum seekers at sea.

76. For a number of years, voluntary agencies had voiced concern at the lack of international protection for certain specific groups of asylum seekers such as the Tamils, persons from Central America seeking temporary havens, and Palestine refugees. While the High Commissioner might be unable, for constitutional reasons, to deal with such groups, the Executive Committee was one of the few international fora in which such matters could and should be raised. The voluntary agencies' appeal for protection was therefore addressed to Member States of the United Nations and to the United Nations as a whole as also to the High Commissioner, where he was able to take action.
77. Lastly, renewed attention should be given to the specific protection needs of children, unaccompanied minors and refugee women. The continuing presence of large numbers of unaccompanied minors, particularly in refugee camps in South East Asia, and the possible psychological consequences, was a matter of concern to voluntary agencies.
78. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, said it was not the first time that the Executive Committee had had to listen to the calumnious and fallacious allegations of the representative of Iran. As it had repeatedly stated, the delegation of Afghanistan considered that no useful purpose would be served by a response to such comments. The representative of Iran had, however, used certain expressions which demonstrated Teheran's stubborn refusal to accept the fact of the Revolution of April and the Government of the Democratic Republic of Afghanistan. It was regrettable that in United Nations organs, the Iranian representative failed to observe even the most rudimentary rules of ethics, particularly since the Iranian regime was itself based on oppression, terror and ignorance.
79. Mr. SAHFII (Islamic Republic of Iran) said that he did not propose to reply to the unfounded allegations of the Afghanistan representative, since he had already done so at the previous meeting. He would merely invite that representative to refer once again to the text of the Iranian statement.
80. Mr. MOUSSALLI (Director of International Protection), thanking members for their kind words of support, said that due note had been taken of the concern expressed with regard to the erosion of certain basic principles as well as of the suggestions made on how best to respond to the challenges. Those suggestions included the appointment of an independent personality or of a working group, as well as concerted multilateral action but, as a first step, the High Commissioner proposed to organize a meeting on protection in Europe which would be attended by non-governmental organizations and would provide a useful platform for an exchange of information while perhaps indicating the kind of action required.
81. It was important that there should be an opportunity to express opinions which the High Commissioner, given the nature of his office, might sometimes be prevented from expressing. In that connection, the International Institute at San Remo was extremely useful and some valuable conclusions had been put forward by a group of experts convened under its auspices; those conclusions would receive careful consideration.

82. It was particularly gratifying to note that the general feeling was that one of the best ways to deal with refugees, particularly in a developed world faced with large influxes of people seeking asylum, was not to ignore the problems but rather to strengthen procedures and provide those responsible for dealing with refugee admissions with the means they needed.

83. It had been suggested that it would be preferable to acknowledge, rather than resist, temporary refuge. Temporary refuge was a sad fact but it would perhaps be a mistake to institutionalize it and allow it to develop into a concept that would weaken asylum. The Executive Committee had arrived at a number of useful conclusions on which UNHCR action was based. The remarks of the Algerian and Netherlands representatives were particularly welcome in that regard.

84. Reference had been made to the value of contacts with parliamentarians and the High Commissioner had in fact recently received a visit from parliamentarians from the Federal Republic of Germany. A number of problems regarding the admission of asylum seekers to Germany had been discussed, and other countries might wish to follow suit.

Lastly, the reaction of certain delegations to the concept of refugee was extremely interesting and had been noted with close attention.

The meeting rose at 1 p.m.