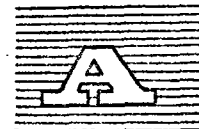
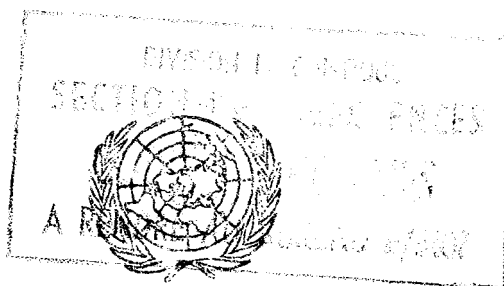


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UNITED NATIONS CONFERENCE ON TERRITORIAL ASYLUM

SUMMARY RECORD OF THE FIRST MEETING

held at the Palais des Nations, Geneva,
on 10 January 1977, at 3.15 p.m.

Acting President:

Mr. WINSPEARE GUICCIARDI

Director-General,
United Nations Office
at Geneva

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OPENING OF THE CONFERENCE BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL
(item 1 of the provisional agenda)

1. The ACTING PRESIDENT, speaking on behalf of the Secretary-General who regretted that he was unable to be present to deliver an opening statement in person, declared open the United Nations Conference of Plenipotentiaries on Territorial Asylum.
2. On the proposal of the Acting President, the Conference observed a minute of silence for prayer and meditation.
3. The ACTING PRESIDENT read out the following message from the Secretary-General with which he wished to associate himself:

"The decision of the General Assembly to convene this Conference is doubly significant. First, it gives concrete expression to our awareness at the United Nations of the plight of the individual victim of persecution - an awareness which dates back to the very first days of the Organization. But this Conference also reflects the commitment of the United Nations to the progressive development and codification of international law in accordance with Article 13, paragraph 1.a of the Charter. That commitment is well exemplified in the case of territorial asylum, for this is an area where the efforts of the Organization and its membership towards the gradual elaboration and refinement of international law have been remarkably consistent and systematic.

"The General Assembly recognized as early as 1948 in article 14 of the Universal Declaration on Human Rights the right of everyone to seek and to enjoy in other countries asylum from persecution. In 1951 the Convention on the Status of Refugees was adopted and, in 1966, the General Assembly embodied in a legally-binding instrument, the International Covenant on Civil and Political Rights, the principle that an alien lawfully in the territory of a State party to the Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law.

"A year later, the Assembly went one step further in the regulation of the institution of asylum by adopting unanimously the Declaration on Territorial Asylum. A valuable contribution to the development of various aspects of the topic also has been made at the regional level in the light of the specific problems of each particular region.

"In 1975, the General Assembly responded to a proposal by the United Nations High Commissioner for Refugees, Prince Sadruddin Aga Khan, and decided to convene this Conference. I should like to congratulate the High Commissioner for his initiative.

"The way is now open for the final stage of elaboration and codification at the universal level of legally-binding rules in this field as this Conference convenes for the purpose of considering and adopting a Convention on Territorial Asylum.

"In concluding, allow me to express the hope that the outcome of the work of this Conference will be a further step forward in giving effect to the ideals set forth in the Charter of the United Nations and in refining the basic principles embodied in the international instruments on human rights. I wish the Conference every success in the achievement of its task."

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

4. Prince Sadruddin AGA KHAN (United Nations High Commissioner for Refugees) said that the convening of the Conference was the result of strenuous and sustained efforts and testified to the collective will of States to take an important step forward in the elaboration and codification of international humanitarian law relating to territorial asylum. The Conference's deliberations in the coming weeks would juxtapose the prerogatives of States with the needs of thousands of asylum seekers in every continent whose very life often depended on the degree to which men had collectively learnt to be humane. UNHCR, in its work on behalf of refugees, had learnt that, ironically enough, it was the recurrent violations of human rights which best served to highlight the need for protection of those rights.
5. To speak of refugees was to speak of asylum, because the former could not exist without the latter. Even though the 1951 Convention relating to the Status of Refugees did not even mention the word "asylum", it went without saying that the concept of asylum constituted the very nucleus of refugee law. Similarly, even though there was no agreed universal definition of the term "asylum", the notion was almost as old as recorded human history itself. That perspective lent significant historic importance to the effort the Conference was undertaking to elaborate a body of agreed principles relating to territorial asylum.
6. The existence of hundreds of thousands of uprooted and homeless refugees and asylum-seekers around the globe was a sad commentary on the world of today. If the causes which led a person to seek asylum could not easily be eliminated, an attempt must be made to attenuate the effects so that the person concerned could strike roots elsewhere. It was, therefore, not only desirable but necessary that "the right to seek and enjoy asylum" be given greater substance and practical scope in as generous a manner as was consistent with the realities of the present-day world. However contradictory and ironic it might appear, the fact was that, parallel to violations of human rights, a conscious effort was made by the international community to promote safeguards and protect the victims of such violations. During the last three decades, and particularly since the adoption by the United Nations of the Universal Declaration of Human Rights, asylum had been the subject of much reflection, examination and concern, and efforts had systematically been made to give greater strength and meaning to the concept as defined in the Declaration. Those efforts had been made at the national level as well as at the regional and international levels. In time, they had led to increasingly wide acceptance of certain basic principles, such as the principle that asylum granted by States in the exercise of their sovereignty was purely humanitarian in character and should not be regarded as an unfriendly act by any other State; the principle that the granting of asylum was governed by the concept of international solidarity requiring other States to assist in sharing any undue burden falling on first asylum countries; and the principle of non-refoulement as well as the principle of non-extradition of the so-called political criminals which, with the sanction of time, might be considered as general principles of international law.
7. At the national level, principles relating to asylum had been incorporated in the Constitutions and/or aliens legislation of a large number of States and in some cases, on the basis of such provisions, the individual enjoyed a legally-enforceable right to claim asylum. What was even more important was that States in many parts of the world had with time come to acquire a well-established tradition in the field of asylum and a growing awareness and understanding of the humanitarian issues involved and of their international implications.

8. At the regional level, parallel efforts to give more effective expression to the principles of asylum had been made by various regional organizations. In Africa, the OAU Convention relating to the Specific Aspects of Refugee Problems in Africa had given legally binding form to the basic principles of asylum. On the American Continent, the Inter-American Human Rights Convention contained legally binding provisions on asylum. Considerable work had also been done by Latin American countries on various subjects related to the law of asylum. In Europe, the question of asylum had been a matter of constant interest and concern to the Council of Europe, and a number of recommendations and resolutions had been adopted by its various organs in the course of the years. Similarly, the Asian-African Legal Consultative Committee had done a considerable amount of useful work to promote the principles of asylum. Practically all socialist States had fairly uniform provisions relating to the granting of asylum in their national constitutions.

9. At the international level, there had been a constant effort within the United Nations to promote the law of asylum ever since the adoption of the Universal Declaration in 1948. The most important success achieved in that respect had been the unanimous adoption by the General Assembly in 1967 of the Declaration on Territorial Asylum which embodied a number of principles widely adopted in the practice of States. In 1971/72, a group of experts from 18 different countries had prepared the text of a draft convention which had been submitted to the General Assembly at its twenty-seventh session as an annex to his Annual Report. The successive actions taken by the General Assembly since then, leading eventually to the holding of the present Conference, were well-known to all delegations.

10. To his colleagues in UNHCR and to himself, the positive trends that he had briefly enumerated were a source of encouragement. UNHCR was gratified that a desire to strengthen the law relating to territorial asylum had been voiced in so many quarters and had met with the understanding of a large number of Governments which had vigorously supported the aims of the present Conference. It realized, of course, that the problems arising in the field of territorial asylum were often of a delicate and intricate nature, and it was fully aware of the genuine difficulties involved when asylum was viewed from the standpoint of Governments. It was indeed that awareness which made UNHCR especially appreciative of the progress already achieved, to the extent that most of the standards reflected in the draft text before the Conference were widely applied by States in their day-to-day practice. The stage therefore appeared to be set for those standards to be embodied in a legally binding convention.

11. He had no doubt that representatives would employ their "best endeavours" in the coming weeks to elaborate an instrument that would represent a positive development in the promotion of international humanitarian law relating to territorial asylum. He was equally certain that in their deliberations they would fully bear in mind the plight of asylum seekers for whom what counted was not the best endeavours undertaken on their behalf but rather the concrete results which ensured the preservation of their life and liberty. It was in that spirit that he extended to the Conference his most sincere good wishes for the success of its delicate but important work.

12. The ACTING PRESIDENT suggested that, if there were no objections, the meeting might be adjourned to enable delegations to hold informal consultations on the election of the officers of the Conference.

13. It was so agreed.