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Chairman: Mr. ZADOR (Hungary)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 105: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (A/40/3, A/40/12 and Add.1, A/40/88, 89, 117, A/40/135 and Add.1, A/40/267, 425, 491, 492, 501, 678 and 750)

(a) REPORT OF THE HIGH COMMISSIONER

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

1. The CHAIRMAN announced that the Committee would consider agenda item 12 together with item 105. For that purpose it had before it the reports on assistance to refugees in Somalia (A/40/586), assistance to refugees in Djibouti (A/40/588), the situation of refugees in the Sudan (A/40/589), assistance to displaced persons in Ethiopia (A/40/587) and assistance to student refugees in southern Africa (A/40/590). In addition, there would be an oral report on the question of returnees in Chad by a representative of the Office of the United Nations Co-ordinator for Disaster Relief, under item 12.

2. Mr. HARTLING (United Nations High Commissioner for Refugees) said that, as his annual report to the General Assembly (A/40/12 and Add.1) described in detail the situation of refugees throughout the world, he would refer only to the most pressing problems which called for humanitarian solutions. The High Commissioner could not address the root causes of those problems directly, but he could and must deal with their consequences.

3. The refugee situation had developed fundamentally. When UNHCR had been created in 1950 it had been mainly to ensure the legal protection of refugees, for the most part in Europe. Today, UNHCR was present on all continents and was managing a budget of more than \$500 million a year. It had therefore become one of the major institutions of the United Nations system, although it still had a limited mandate. Its protective function had also developed and it was increasingly equated by the public with the physical protection of refugees, which it was all too often powerless to provide. Refugees were spending longer and longer spells in camps waiting for lasting solutions which were more and more elusive, and there seemed to be a hardening of attitude towards refugees, who were now very often poor people, women, children and old people, only seeking safety and succour.

4. It was therefore almost a paradox that it had been possible in 35 years to help some 30 million refugees. That humanitarian work was to the credit of the United Nations, and all concerned should co-operate to keep up that fine tradition.

5. In the matter of the international protection of refugees, he was pleased to report new accessions to the 1951 Convention and the 1967 Protocol on the Status of Refugees, but he could only deplore the many cases of violations of refugee rights. The xenophobic tendencies inspired by vociferous minorities might be to blame, but he hoped that the round-table on xenophobia organized by UNHCR in 1984

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(Mr. Hartling)

and the consultations on the arrivals of refugees and asylum-seekers in Europe held earlier in 1985 would help to reverse that trend.

6. He attached importance to the Colloquium held in Cartagena, Colombia, late in 1984 for Central American countries and the four members of the Contadora Group, which had adopted an important declaration for the future international protection of refugees in Latin America.

7. UNHCR had always paid special attention to the plight of women refugees, and he was pleased that, following the round-table held on the question in the spring of 1985 at Geneva, the subject of refugee women had been given prominence at the Nairobi Conference and a special place in the Forward-looking Strategies which it had adopted.

8. As for durable solutions to refugee problems, voluntary repatriation was always considered to be the best solution. That had been the solution on several occasions in Africa and in Latin America; but in South-East Asia, on the other hand, efforts had met with only modest success.

9. For some refugees resettlement in other continents was the only answer. He therefore urged resettlement countries to maintain their present generous admission policies and to speed up procedures if possible.

10. Local settlement for both rural and urban refugees had long been the best of the durable solutions when voluntary patriation had not been possible. A relatively modest investment could allow refugees to become self-supporting fairly quickly, as had been proved by numerous examples in Africa. With the co-operation of other agencies, both within and outside the United Nations system, training and job placement made it possible for individual refugees to become productive citizens.

11. UNHCR had encouraged that type of solution and, in association with such institutions as the World Bank, was seeking to promote the idea that durable solutions to refugee problems, especially in low-income countries, could and should be to the advantage of the host country, in other words, that refugee assistance should be linked to development aid. The Second International Conference on Assistance to Refugees in Africa had recognized the need to offset the burden placed on host countries with additional development aid from which both refugees and nationals could benefit. That concept must be vigorously pursued, despite the sad fact that in Africa the drought emergency had hit the refugees and UNHCR programmes very hard; UNHCR had had to spend an extra \$100 million in 1985 just to save human lives.

12. In that regard, he stressed the great value he attached to the close co-operation with a number of voluntary agencies and with other United Nations bodies, particularly the Office of Emergency Operations in Africa (OEOA) which had proved its worth by presenting a coherent picture of needs to the donors. UNHCR was studying with OEOA how best to respond to needs in 1986, bearing in mind that

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(Mr. Hartling)

so far his Office had also been assisting categories of persons who did not normally fall within his mandate.

13. Turning to the problem of insufficient annual financial resources, he said that UNHCR was facing a deficit in funding its 1985 general programmes, probably because a number of donor Governments had had to divert funds from their contribution to finance emergency operations in Africa. However, although certain activities had had to be cancelled or postponed, essential services had been provided to the refugees. 1986 would also be a difficult year and he urged Governments which had steadfastly supported the work of UNHCR to make the maximum effort at the annual Pledging Conference on 15 November to pledge generously and to pay as early as possible in order to reach the target of some \$330 million approved by the UNHCR Executive Committee for the general programmes for 1986. The refugees were counting on that humanitarian support from the international community.

14. UNHCR, for its part, was doing its utmost to make its assistance programmes as efficient and cost-effective as possible. It had had to adapt its structures and management techniques to deal with new situations and increased costs, not only in the interests of the refugees, but also to maintain the confidence of the donors. The budget had increased five times, whereas the staff had only doubled. The bulk of its work was in the field and steps had been taken to reinforce its ability to respond to new refugee problems. In the previous eight years a number of new offices had been opened, in Asia, Africa, Central America and Mexico. He stressed the merit of his staff who were working with dedication for the refugees in conditions that were often extremely difficult and sometimes risky.

15. He underlined the humanitarian and entirely non-political nature of his work. Although the United Nations was a forum where political and economic problems were discussed, it had also assumed a vast humanitarian function. UNHCR was an example of nations united, working closely together in the humanitarian field, regardless of political considerations.

16. When commemorating the fortieth anniversary of the United Nations, the ideals which had inspired the formulation of the Charter and the Universal Declaration of Human Rights should not be forgotten. Those instruments were an ideological victory, because they marked the limit between respect for the sovereignty of the State and respect for the individual. It was significant that the Organization had decided, 35 years before, to appoint a spokesman to defend the individual refugee, often against a Government. The United Nations had then decided to place human rights above State sovereignty. That idea of an independent United Nations spokesman for refugees was essential, and he was pleased to note that the Secretary-General had clearly stated that the election of a High Commissioner for Refugees should never be politicized.

17. In conclusion, he recalled the three principles on which his function was based: to be entirely non-political; to carry out genuinely humanitarian work; and to enjoy the confidence of all States. As his term of office was coming to an end,

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(Mr. Hartling)

he expressed his conviction that the work of UNHCR would continue to be an object of pride for the United Nations and especially for the Third Committee, which had always worked in a spirit of dialogue leading to consensus.

18. Mr. SANTER (Luxembourg), speaking on behalf of the ten member States of the European Community, expressed his gratitude to Mr. Hartling for discharging his heavy responsibilities with devotion and effectiveness over the past eight years.

19. The Ten were gravely concerned at the plight of more than 10 million human beings who fled their home countries or were driven out as a result of military conflicts, national unrest or violations of human rights. It was of the utmost importance that Governments should co-operate with UNHCR to facilitate the discharge of its humanitarian and non-political mandate, especially as, according to the report of the High Commissioner, the international causes of flows of refugees persisted and the condition of refugees was seriously deteriorating.

20. The Ten were concerned by the refugee problem and showed their concern by receiving refugees and by each making contributions to UNHCR. In 1984, the overall contribution of the Community and its member States to UNHCR represented some 32 per cent of the total budget of the Office, and the amount paid for the first three months of the current year by the Ten and the Community were already higher than their contributions of the preceding year.

21. The extremely alarming situation in the African continent had unfortunately worsened still further. In adopting the Declaration and Programme of Action of the Second International Conference on Assistance to Refugees in Africa, the international community had not only reiterated the need to respect the various relevant international legal instruments and to step up traditional assistance for the work of the Office of the High Commissioner, but had above all broken new ground in recommending a link between refugee aid and development assistance. That complementarity had also been emphasized, moreover, by the Council of Ministers of the Organization of African Unity.

22. In signing the third Lomé Convention which for five years would govern relations between the Community and 66 countries of Africa, the Caribbean and the Pacific (ACP), the Ten had taken practical steps to follow up the recommendations of the Second International Conference on Assistance to Refugees in Africa by actually applying the concept of complementarity of refugee aid and development assistance.

23. For the first time, therefore, a convention contained provisions and pursued objectives exclusively for refugees and returnees. In response to the acute needs not covered by emergency relief and by way of implementing longer-term action projects and programmes for promoting the self-sufficiency and integration of refugees and returnees, aid could be granted to ACP countries receiving those populations. That aid could, with the agreement of the ACP State concerned, be provided either directly by the European Community or through the specialized agencies, and especially through UNHCR. More than \$70 million had already been allocated for that form of aid.

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(Mr. Santer, Luxembourg)

24. Those new provisions were part of the European Community's long tradition of assistance to refugees and returnees. For many years, substantial emergency relief had been provided under previous Lomé conventions and the Community's own budget. In 1984, that aid had totalled approximately \$214 million. The Ten were encouraged in that regard by the quality of their co-operation with non-governmental organizations. In addition, the European Community had provided considerable assistance to refugees in the form of food aid. Lastly, in accordance with the recommendations of the Second International Conference on Assistance to Refugees in Africa and the thinking of the European Parliament, the European Community had established in 1984 a new line of credit to support aid efforts in the post-emergency phase. He was gratified that those new projects of the Community had been commended in the report of the Secretary-General on assistance to refugees in Africa and especially in the report of the High Commissioner.

25. The Ten fully subscribed to the idea that the condition of refugees was part of the global and collective responsibility of the international community. They would continue to provide material and financial assistance to relieve their burden and would support the efforts of the High Commissioner to find durable solutions to their problems.

26. Mr. MONTAÑO (Mexico) paid a tribute to Mr. Hartling for his work as High Commissioner. Action by the Office of the High Commissioner had helped to relieve the suffering of millions of victims of conflicts in various parts of the world. The hordes of refugees generated by those conflicts would unfortunately continue to swell so long as the international community was prepared to sit by and watch developments and to regard them as minor events that had no direct bearing on their own lives. Mexico was extremely concerned by that present-day phenomenon. The steady rise in the number of refugees testified to the fragility of the balances which kept international society on an even keel. Fear was what led to displacement, and, from that point of view, the case of each individual refugee deserved the understanding of the international community as well as humanitarian treatment. It was unacceptable to seek to justify those mass movements with fallacious arguments: the structural causes needed to be attacked at their very roots. The international community should therefore act more firmly and as one, because neither the immediate solution to the refugee problem nor decisions on durable responses depended exclusively on one international organization or host country. The critical review which the States Members of the United Nations had undertaken on the occasion of the Organization's fortieth anniversary had revealed some progress in the field of law and humanitarian practice. It was necessary, however, to continue the efforts and to make sure that the action taken in that regard responded to the needs and particular circumstances of the present decade. Use should be made of existing multilateral machinery to achieve a realistic and pragmatic codification. His delegation felt, moreover, that countries should show a more constructive attitude towards the Office of the High Commissioner and be less easily swayed by short-term political trends. The allocation of resources should be dictated by general guidelines and not by political circumstances.

(Mr. Montaña, Mexico)

27. The events in Central America had added a new dimension to the refugee problem in Latin America. The established tradition of asylum which used to characterize the region had been upset by a wave of a scale never before experienced and beyond the capacity of Latin American countries, at the very time they were confronting an unprecedented economic crisis. That was the situation that had served as the topic for the Colloquium on the International Protection of Refugees in Central America, Panama and Mexico, held in Cartagena, Colombia, which had acknowledged the value of the work of the Contadora Group on the subject, and had adopted a Declaration stressing in particular the principle that repatriation should be freely consented to, should be based on an individually expressed desire and should be carried out in collaboration with the Office of the High Commissioner. To that end, the Declaration supported the establishment of tripartite commissions composed of representatives of the country of origin, the host country and UNHCR. Lastly, it reaffirmed the need to strengthen programmes of protection and assistance for refugees, particularly in respect of health, education, work and security, by formulating programmes and projects for promoting their self-sufficiency. In adopting the Cartagena Declaration, the participating countries had endorsed a wide-ranging political document that could be a major contribution to the process reviewing the pertinent instruments.

28. Mexico had always taken great pains to ensure that its granting of asylum to asylum-seekers or refugees could not be interpreted by countries of origin as an unfriendly act and as a result its standing as a land of asylum had been enhanced. His Government had adopted the measures required to ensure that the long-term solutions offered to refugees in Mexico were based upon strict respect for their fundamental rights and freedoms. In return, persons enjoying Mexico's protection were expected to observe the rules of the legal system in force. The international community ought to understand the generosity of a society that offered its protection to those requesting it. A massive influx of refugees was a very heavy burden to be borne for economies hard hit by the world recession, hence the importance of international solidarity. In Mexico, thousands of people had received assistance under the programmes that were being carried out jointly by the Mexican Commission for Assistance to Refugees and UNHCR. He went on to reaffirm his Government's desire to contribute to the search for durable solutions to the problems posed by the refugees settled in Mexico. It still believed that voluntary repatriation was the only permanent and stable solution, and that it must be given preference over all others. However, the wishes of individual refugees must be respected.

29. Mr. BOEL (Denmark) said that, although encouraging and durable solutions had been found to settle many refugee problems, the overall picture remained gloomy. Traditional solutions such as voluntary repatriation, local integration or resettlement in third countries were still out of reach for a large number of refugees. It was extremely important that the measures adopted to solve refugee problems should be accompanied by efforts at the political level to settle underlying problems and conflicts. His delegation welcomed the conclusions on voluntary repatriation and the safety of returnees adopted by the Executive Committee of the Programme of the High Commissioner for Refugees at its thirty-sixth session.

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(Mr. Boel, Denmark)

30. Regarding international protection, many States throughout the world were continuing to grant asylum to refugees and were treating them in accordance with recognized humanitarian standards. However, there were also many cases in which the basic rights and interests of refugees and asylum-seekers were disregarded and violated. It was unacceptable that UNHCR should have to face such problems as the absence of physical safety, the unjustified detention of refugees and asylum-seekers and even cases in which they were turned away at the frontier (refoulement), although non-refoulement was a fundamental principle which must be scrupulously observed by all Governments. It was also regrettable that, in a number of areas, the situation with regard to the physical safety of refugees and asylum-seekers had not improved. His delegation resolutely condemned military and armed attacks against refugee camps and settlements, which had continued during the past year. It was regrettable that no agreement had been reached regarding a set of conclusions on that serious problem.

31. Asylum seekers had continued to fall victim to deplorable acts of piracy in the South China Sea, but there had been a slight decrease in the number of victims. That favourable trend could probably be linked to the measures currently being taken under the Anti-Piracy Arrangement that had been concluded between the Royal Thai Government and UNHCR on behalf of a number of donor Governments. His Government supported that arrangement and hoped that it would encourage the Thai authorities to intensify their efforts to combat such acts. The rate of rescue of Indo-Chinese asylum-seekers had significantly increased during the past year, apparently as a result of the efforts undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea, and notably through the introduction of the Rescue at Sea Resettlement Offers (RASRO) in May 1985. Under that scheme, his Government had decided to provide 150 places during the trial period, and was considering participation in the scheme after the initial trial period. His delegation welcomed the fact that the special protection problems confronting refugee women had been taken up by the Sub-Committee on International Protection as a separate agenda item. It fully endorsed the conclusions adopted by the Executive Committee and urged that the special needs of refugee women should be taken into account in the elaboration and implementation of assistance programmes. The problem posed by irregular movements of asylum-seekers and refugees arriving from countries where they had already found protection was a source of growing concern. In Denmark, for example, almost 7,000 asylum-seekers and refugees had arrived during the first 10 months of 1985, as compared with approximately 4,300 in 1984 and some 300 in 1983. That situation was putting a considerable strain on the Danish immigration authorities and reception facilities. His Government was therefore considering changes in existing legislation with a view to accelerating procedures for dealing with requests for asylum. However, such measures would not affect Denmark's adherence to the humanitarian standards laid down in the international refugee instruments. In his statement on that item at the thirty-ninth session of the General Assembly, he had expressed concern about the prospect that a number of Governments might introduce increasingly restrictive refugee policies, which would have the effect of shifting the problem to countries with more liberal legislation and practices. Since such measures were likely to trigger a chain reaction, broad international co-operation and burden-sharing were

(Mr. Boel, Denmark)

necessary if the problems in question were to be settled in an effective and durable manner. UNHCR could play a decisive role in that respect.

32. His country had welcomed the initiative taken by the High Commissioner in convening the consultations on the arrivals of asylum-seekers and refugees in Europe, in May 1985. It was hoped that those consultations would be followed up with measures adopted under the auspices, or with the participation, of UNHCR.

33. His Government was deeply concerned about the financial difficulties confronting UNHCR and strongly supported the High Commissioner's efforts to raise additional funds. Denmark had already contributed about \$13 million to the activities of UNHCR in 1985, or nearly 30 per cent more than its total contribution in 1984. It also intended to make a substantial contribution in 1986.

34. In conclusion, he paid a tribute to Mr. Hartling for his impressive record of achievements and for having gained the confidence of all Governments. He thanked him for his outstanding service to the United Nations and, above all, to refugees throughout the world.

35. Ms. PEARCE (Australia) commended UNHCR and the High Commissioner on their outstanding work and said that, in view of the serious financial difficulties confronting UNHCR, Australia, which had always been an active supporter of its work, had offered some constructive proposals at the thirty-sixth session of the UNHCR Executive Committee in Geneva in October 1985, regarding measures to be adopted to enable it to pursue its mandate as effectively as possible in the years ahead.

36. Australia was one of the main resettlement countries and was prepared to continue to assume that responsibility. Although it had been more specifically concerned with refugees from Indo-China and South-East Asia for reasons of geography, its refugee policy was truly international in scope. In that connection, she believed that the principle of international burden-sharing, which was recognized more in theory than in practice, should be effectively applied, and that there should be less reliance on traditional countries of resettlement.

37. Her delegation was convinced that voluntary repatriation was the most desirable solution. However, the solution of the delicate problem posed by refugees required a great deal of political will on the part of the Governments of the country of origin, the country of asylum and, often, other regional Governments. Australia, for example, was endeavouring to facilitate a political solution regarding refugees from Indo-China. Yet, even such political will was not always sufficient and had to be strengthened by the humanitarian role of UNHCR, which must always be fully respected by all the parties concerned. In that connection, the conclusions on voluntary repatriation recently adopted by the Executive Committee were encouraging. One of them provided that the High Commissioner should, whenever possible, establish contact with all the principle parties, keep the possibility of voluntary repatriation under active review and apply that solution whenever circumstances were appropriate.

(Ms. Pearce, Australia)

38. If the problem was to be solved, the underlying causes of refugee movements must be identified and preventive measures adopted. Those two aspects of the problem were of particular interest to Australia, which was participating in the work of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees. In that connection, further consideration should be given to the link between human rights violations and mass exoduses. In any event there could be no genuine solution to the problem unless the international community took a more comprehensive and co-ordinated approach.

39. Australia, like the other members of the international community, supported UNHCR efforts to tackle the overwhelming problem posed by refugees in Africa, although it was not, strictly speaking part of its mandate. However, that problem had seriously stretched the financial and administrative capacity of UNHCR. Careful consideration must therefore be given to the implications of making emergency relief a permanent and prominent aspect of its mandate, especially if that involved jeopardizing the search for durable solutions. If the mandate of UNHCR was made to include that question, the international community must be prepared to ensure that its resources, including its managerial and administrative capabilities, were adequate to the task.

40. The Executive Committee at its thirty-sixth session had devoted considerable attention to the problems of refugee women, who were too frequently exposed to physical and sexual violence and discrimination. Australia was encouraged by the High Commissioner's continuing efforts in the field of international protection of refugee women, and hoped that those efforts would be sustained, both within UNHCR and elsewhere, through the implementation of the relevant sections of the Forward-looking Strategies adopted at Nairobi. Assistance programmes should recognize the pivotal role refugee women played in social and economic life. Australia encouraged UNHCR to strengthen its policy co-ordination function to enable refugee women, who often had the sole responsibility for their families, to take better advantage of projects aimed at self-sufficiency.

41. Since the High Commissioner could not carry out his mandate, particularly with respect to the international protection of refugees, without the continued support and co-operation of Governments, Australia urged all States to accede to the international and regional instruments concerning refugees, and to enact relevant national legislation.

42. Mr. SOLOMON (United States of America) paid a tribute to Mr. Hartling for his tireless efforts on behalf of refugees. In the last eight years, the number of refugees had continued to grow, which had led UNHCR to take a number of initiatives. One of the steps by UNHCR had been to request other international bodies to assist it in its work. The World Bank project in Pakistan was a good example of inter-agency co-operation, and the United States hoped that similar opportunities for such co-operation would be developed.

43. His delegation was quite satisfied with the excellent support which the World Food Programme had provided UNHCR within its sphere of competence. The growing

(Mr. Solomon, United States)

co-operation between UNHCR and UNDP, WHO and UNICEF was equally important and deserved support. A related initiative was the formulation of policy concerning the linkage between refugee aid and development assistance. That policy had been endorsed for the first time at the Second International Conference on Assistance to Refugees in Africa and had been reaffirmed by the UNHCR Executive Committee at its thirty-fifth and thirty-sixth sessions. The third initiative which should be highlighted was the increasing emphasis on voluntary repatriation as a durable solution. Everyone was aware of the difficulties associated with the pursuit of that solution, which nevertheless should - as far as possible - be preferred to any other.

44. His delegation was pleased that UNHCR had significantly strengthened its capability to respond to emergency situations through the establishment of the Emergency Unit and the Specialist Support Unit. Despite the progress which had resulted from those initiatives, fundamental questions concerning refugee identification and their legal and physical protection had still not been resolved in an entirely satisfactory manner. The United States was, however, encouraged by the many measures being taken by UNHCR, the Royal Thai Government and the International Maritime Organization to minimize the risks to people in distress at sea.

45. Support for refugees had always been a tradition in the United States. Through their contributions to international and non-governmental organizations and by their sponsorship of refugees for resettlement in their country, Americans had demonstrated their concern for displaced persons, and UNHCR had always received considerable moral and financial support from the United States. His delegation hoped to sustain that support in future. However, the United States Government strongly emphasized the need for efficient administration of the High Commissioner's Programme. The availability of funds from the United States was not unlimited, and that was why his Government, particularly the Congress, was scrutinizing the activities of UNHCR as never before.

46. Since Mr. Hartling's term was expiring, the international community would have to choose a new High Commissioner. The number of refugees as well as the magnitude of the corresponding programmes and budget required a successor who was ready to assume all the challenges of the many complex refugee-related issues. The new High Commissioner would need the ability, through the quality of the services of UNHCR, to sustain the support of both donor and asylum countries. The new High Commissioner should have political access and diplomatic skills which could facilitate the implementation of durable solutions to refugee problems. He should demonstrate a personal commitment to rigorous diplomatic efforts which would make the best use of opportunities for the voluntary repatriation of refugees since, without that commitment, millions of refugees would continue to live in despair, and both donor and asylum countries alike would face continuing and growing expenses for refugee assistance.

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47. Mr. TICHY (Austria) said that, since his delegation had already had the opportunity to comment on the activities of UNHCR, it wished first, to pay a tribute to Mr. Hartling for the admirable way he had carried out his functions during his tenure as High Commissioner.

48. Second, his delegation wished to stress that UNHCR could only be the agent of the international community, and required its active support. That had been made clear by the serious financial difficulties besetting UNHCR, by the deep-seated causes of the refugee problems which UNHCR was called upon to solve, and by the role of implementing partner for relief measures with which it had been entrusted in view of its vast field experience, a role which went well beyond its original mandate. Likewise, UNHCR could meet the expectation of the international community that priority attention should be given to the search for durable solutions only if it was adequately assisted in that task by the members of that community. In that context, his delegation was satisfied that UNHCR had, in spite of its current financial difficulties, made a maximum effort to respect that priority.

49. Finally, in considering the results of the Executive Committee of the Programme of UNHCR at its thirty-sixth session, in particular in the field of the international protection of asylum-seekers and of refugees, Austria welcomed the adoption of conclusions on the situation of refugees in Central America and the efforts of the Contadora Group in that connection. It also welcomed the adoption of conclusions concerning the rescue of asylum-seekers in distress at sea and women refugees. The conclusions on the voluntary repatriation of refugees, which were based on the results of the Round Table organized under the auspices of the International Institute of Humanitarian Law in San Remo, Italy, underlined the importance the international community attached to that form of durable solution. The Executive Committee had as yet been unable to adopt conclusions regarding the problem of irregular movements of asylum-seekers and refugees. His delegation hoped that it would be possible to reach a consensus on that important question in the near future. Austria strongly condemned military or armed attacks on refugee camps and settlements wherever they occurred. It regretted that all attempts of the Executive Committee so far to formulate conclusions on that issue had failed. That failure was alarming, since the Executive Committee should not confine itself to condemning the acts in question but should also provide the High Commissioner with guidelines for preventing similar attacks. It would be most deplorable if the international community gave the impression of remaining silent on such an important issue. Austria continued to play its role as a traditional country of asylum and remained one of the principal countries of first asylum in Europe. Austria spent substantial amounts both to assist asylum-seekers and refugees within its territory and to alleviate the problems of refugees in other countries. His delegation had listened with great attention to the representative of Australia, who had stated that the world refugee problem could not be solved by relying exclusively on the traditional resettlement countries. Austria was grateful to the countries which continued to accept, even in difficult circumstances, asylum-seekers and refugees who had found first protection in Austria and to help Austria to maintain its "first asylum capacity". Austria was grateful for its close co-operation with UNHCR.

50. Mr. WILLIAMS (Joint Inspection Unit) said that with the increase in the refugee population around the world, currently estimated at some 10 million, and the growing complexity of the ensuing problems, particularly in the developing regions, UNHCR's responsibilities and programmes had expanded dramatically in the last decade. The report of the Joint Inspection Unit (A/40/135 and Add.1) focused essentially on the situation in South-East Asia. It analysed UNHCR's operations in connection with assistance to Indochinese refugees over the period 1979 to 1983, in the light of its statute and the 1951 United Nations Convention and 1967 Protocol on the status of refugees, all of which defined the mandate of UNHCR. The report observed that the Office had weathered the crisis; it had presided over the largest intercontinental movement of refugees in its history, enabling almost 1 million Indochinese refugees to resettle in third countries, chiefly in North America and Western Europe. It had succeeded in mobilizing the necessary resources and had channelled a cumulative total of about \$US 700 million in emergency assistance and relief to the refugees in the region since 1979. It had enlisted the help of the non-governmental organizations, whose devotion and involvement in the operations had proved crucial. Nevertheless, not all the difficulties had been overcome. Many of the "boat people" had lost their lives at sea. The restrictive admission policies of first-asylum countries in the region had obstructed the application of the principles for the international protection of refugees and asylum-seekers. Similarly, the reluctance of resettlement countries to accept large quotas of refugees and the tightening of procedures for the determination of refugee status had narrowed the options open to the High Commissioner in his search for lasting solutions for the significant number of refugees still in camps.

51. The report also noted some management deficiencies, chiefly stemming from the fact that UNHCR's field establishment in the region was weak and it was therefore forced to rely on implementing agencies and non-governmental organizations to carry out its field responsibilities. The reforms recently instituted at UNHCR headquarters had not been reflected in the operations of field offices. Local staff lacked experience and financial control systems were inadequate, as were the monitoring and co-ordination of field operations.

52. The report recommended that the organization and staffing of UNHCR field offices in all regions should be strengthened. A flexible policy should be adopted, enabling experienced staff to be seconded to the field offices as soon as a refugee problem warranted it, and regional structures should be reinforced to permit an integrated regional perspective of refugee problems. Also at the regional level, there should be a strengthening of certain functions such as legal services, public information, project evaluation and financial control. The Office should make increased use of senior national staff, enhance its role in seeking lasting solutions and assist Governments in establishing reliable data on the scope of refugee problems and the assistance required; it should ensure that its partners complied with the terms of agreements. There was an urgent need to establish a competently staffed system of financial control, having jurisdiction in all the regions affected by refugee problems and having the final word at the field level in all matters pertaining to bidding, payments, contractual services and related operations. Lastly, recommendations Nos. 3, 4 and 5 of the report should be implemented on a parallel basis.

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)
(A/C.3/40/L.14)

Draft resolution A/C.3/40/L.14

53. Mrs. DOWNING (Secretary of the Committee) said that Guinea-Bissau and Pakistan should be added to the list of sponsors, which, as already announced, had also been joined by Nigeria.

54. The CHAIRMAN said that the sponsors had asked the Committee to defer action on the draft resolution. He understood their reasons for doing so but stressed that any postponement delayed the work of the Committee and of the plenary Assembly. He urged the sponsors to complete their negotiations as soon as possible.

55. If he heard no objection, he would take it that the Committee agreed to defer action on draft resolution A/C.3/40/L.14.

56. It was so decided.

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued) (A/C.3/40/L.12, L.13/Rev.1 and L.19)

Draft resolution A/C.3/40/L.12

57. The CHAIRMAN said that the sponsors had requested the Committee to defer action on the draft resolution so that they might continue their negotiations.

58. If he heard no objection, he would take it that the Committee agreed to defer action on draft resolution A/C.3/40/L.12.

59. It was so decided.

Draft resolution A/C.3/40/L.13/Rev.1

60. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic) listed the changes made in the original version of draft resolution A/C.3/40/L.13, in the title, in the last preambular paragraph and in operative paragraph 7. Two new preambular paragraphs, the tenth and the eleventh, had been included. It had also been decided for the sake of accuracy to alter the phrase "at its 1986 session" in paragraph 7 to "at its first regular session of 1986".

61. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.13/Rev.1 without a vote.

62. It was so decided.

Draft resolution A/C.3/40/L.19

63. Mr. MATELJAK (Yugoslavia) announced, on behalf of the sponsors, a number of changes in the draft resolution. In the English text of the third line of the third preambular paragraph, the phrase "factor of" should be replaced by "factor in". In the same paragraph, the words "of respect for" should be replaced by the phrase "in full realization of". In operative paragraph 3, the phrase "the succeeding sessions" should be replaced by "if desired by the Commission, at its forty-third, forty-fourth and forty-fifth sessions". Lastly, in paragraph 4, "forty-third" should be corrected to "forty-fourth".

64. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.19 had no financial implications. India and Yemen had joined the sponsors.

65. The CHAIRMAN said that if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.19, as revised, without a vote.

66. It was so decided.

AGENDA ITEM 91: NATIONAL EXPERIENCE IN ACHIEVING FAR-REACHING SOCIAL AND ECONOMIC CHANGES FOR THE PURPOSE OF SOCIAL PROGRESS: REPORTS OF THE SECRETARY-GENERAL (continued) (A/C.3/40/L.16)

Draft resolution A/C.3/40/L.16

67. Mr. DAMM (Chile), explaining his vote before the vote, said that his delegation intended to vote in favour of the draft resolution, but would have preferred the sixth preambular paragraph, which enumerated the obstacles to the economic and social progress of peoples, to refer to terrorism in all its forms.

68. Ms. BYRNE (United States of America) said that agenda item 91 was completely superfluous and illustrated the tendency to ask for reports on various questions, which then spawned resolutions asking for still more reports. Yet the reports produced in response to the resolutions adopted on the agenda item had been unenlightening over the years. The implementation of the provisions of the current draft resolution would merely involve a further diversion of limited resources into unproductive activities. Her delegation would therefore vote against the draft resolution.

69. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial or programme budget implications. Madagascar and Mozambique had joined the sponsors.

70. A recorded vote was taken on draft resolution A/C.3/40/L.16.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Belgium, Cameroon, Canada, Central African Republic, Equatorial Guinea, Germany, Federal Republic of, Grenada, Israel, Italy, Luxembourg, Malawi, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland.

71. Draft resolution A/C.3/40/L.16 was adopted by 120 votes to 1, with 15 abstentions.

AGENDA ITEM 96: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)
(A/C.3/40/L.26, L.31 and L.27)

Draft resolution A/C.3/40/L.26 and programme budget implications (A/C.3/40/L.31)

72. Ms. ILIC (Yugoslavia), introducing the draft resolution on behalf of the Group of 77, read out the entire text. She trusted that the draft, produced after long consultations, could be adopted by consensus.

73. Mr. TELLE (France) stressed that resolutions relating to the question of aging had traditionally been adopted by consensus, but that delegations had still not reached agreement on the draft before the Committee. He therefore appealed to the sponsors to continue their consultations with the aim of reaching a consensus.

74. Mr. SCHLEGEL (German Democratic Republic) endorsed the remarks made by the representative of France, and asked the Committee to defer action on the draft. His delegation felt that other socialist countries were of the same view.
75. Mrs. WARZAZI (Morocco) said that the Group of 77 had considered a proposal made by some delegations, but had not accepted it since it was unlikely to have led to a consensus. Her delegation wondered how advisable it would be to defer a vote on a draft resolution on which some delegations ought to make concessions. It would be appropriate to defer the vote and resume consultations only if those delegations were ready to make a gesture which would enable a consensus to emerge.
76. Ms. ILIC (Yugoslavia) said that, since she could not consult all the members of the Group of 77, she could not speak on behalf of the sponsors. The request for a deferral seemed to be supported by several delegations, which perhaps, reflected a change in the situation. It would be necessary to have an idea of the gist of the new proposals to determine whether a consensus was possible.
77. Mr. BARNETT (Jamaica) said that the Committee should avoid beginning a debate on the content of the proposals. It should accede to the request for a deferral in order to promote a consensus.
78. The CHAIRMAN said that any deferral should be short. If he heard no objection, he would take it that the Committee agreed to defer a vote on the draft resolution.
79. It was so decided.

Draft resolution A/C.3/40/L.27

80. Mr. BORG (Malta) said that the aim of draft resolution A/C.3/40/L.27 was to further and consolidate the work undertaken, particularly by the Centre for Social Development and Humanitarian Affairs, since the adoption of the Vienna International Plan of Action on Aging. Referring to the content of paragraphs 2, 3, 5, 6, 10, 11 and 12 of the draft, he stressed that there was an urgent need to provide additional resources for the Trust Fund for Aging, and welcomed the initiative taken by the Government of Senegal in having organized, in December 1984, a regional African Conference on Aging, which could serve as a model for other regions. In paragraph 7, the title "Voluntary Fund for Women and Development" should be replaced by the correct title "United Nations Development Fund for Women". On behalf of the sponsors, he expressed the hope that the Committee would continue its tradition and adopt the draft by consensus.
81. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.27 had no financial or programme budget implications. The Gambia, the Federal Republic of Germany, Jordan and Thailand had joined the sponsors.
82. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.27 without a vote.
83. It was so decided.

AGENDA ITEM 97: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND UNITED NATIONS DECADE C.³ DISABLED PERSONS: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.3/40/L.18)

Draft resolution A/C.3/40/L.18

84. Mrs. UMANA (Colombia) said that her delegation wished to join the sponsors of the draft resolution.

85. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.18 had no financial or programme budget implications. Austria, Canada, the Gambia and Uruguay had joined the sponsors. In introducing the text, the Philippine delegation had made three amendments: in the last line of paragraph 10, "United Nations Decade for Disabled Persons" should be replaced by "United Nations Decade of Disabled Persons"; in paragraph 11, "Requests the Centre for Social Development and Humanitarian Affairs" should be replaced by "Requests the Secretary-General"; and, in paragraph 15, "General Assembly resolution 36/77" should be replaced by "General Assembly resolution 36/77, paragraph 17".

86. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.18, as amended, without a vote.

87. It was so decided.

AGENDA ITEM 98: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/C.3/40/L.20, L.21, L.22, L.23, L.24 and L.25).

Draft resolution A/C.3/40/L.24

88. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial or programme implications and that Lebanon, Rwanda and Senegal should be added to the sponsors already announced (Bolivia, France and Uruguay). She wished to remind the members of the Committee that, when introducing the draft resolution, the representative of Italy had revised operative paragraph 11 by inserting the phrase ", in particular to the developing countries," in the third line, after the words "technical assistance".

89. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.24, as revised, without a vote.

90. It was so decided.

Draft resolution A/C.3/40/L.20

91. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.20 without a vote.

92. It was so decided.

Draft resolution A/C.3/40/L.21

93. Mr. MATELJAK (Yugoslavia) said that the wording of the draft resolution, which was awkward, could be improved if it were amended to read: "Declaration of Basic Principles of Justice relating to victims of crime and to victims of abuse of power".

94. The CHAIRMAN said that, since that amendment affected only the form of the draft, responsibility for making the necessary changes could be left to the Editing Section.

95. If he heard no objection, he would take it that the Committee wished to adopt draft decision A/C.3/40/L.21 without a vote.

96. It was so decided.

Draft resolution A/C.3/40/L.22

97. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.22 without a vote.

98. It was so decided.

Draft resolution A/C.3/40/L.23

99. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/40/L.23 without a vote.

100. It was so decided.

Draft resolution A/C.3/40/L.25

101. Mrs. DOWNING (Secretary of the Committee) said that Zaire should be added to the sponsors already announced (Canada and Indonesia).

102. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

103. It was so decided.

104. Miss BYRNE (United States of America) said that, as it had already indicated in the general debate on agenda item 98, her delegation welcomed the results achieved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, because important measures had been adopted in the fields of international drug trafficking, international associations of criminals, the international laundering of money, international terrorism and international criminal justice statistics; the measures in question were reflected in the Milan Plan of Action and in the resolutions referred to in draft resolution A/C.3/40/L.24.

(Miss Byrne, United States)

105. However, it must be stressed that, although a great number of the resolutions adopted at the Milan Congress dealt with important crime-prevention issues, some of the resolutions had little bearing on the question under consideration. Nevertheless, in a spirit of compromise, her delegation had joined in the consensus on those latter resolutions; however, it wished to recall the remarks that it had made and the reservations that it had entered both at the Milan Congress and in the General Assembly about the use, in some resolutions adopted at the Milan Congress, of the terms "right to development" and "a new international economic order". In general, her delegation welcomed all the resolutions concerning the Seventh Congress that had been adopted without a vote.

106. With regard to draft resolution A/C.3/40/L.13/Rev.1, her delegation had not opposed the adoption of that draft without a vote, since it encouraged the Commission for Social Development to make better use of the time at its disposal at its biennial sessions by considering issues falling within its mandate. At the first regular session of the Economic and Social Council, her delegation had itself expressed regret at the fact that some delegations were endeavouring, by raising extraneous matters, to divert attention from important issues that the Commission must consider. If those who had drawn up draft resolution A/C.3/40/L.13/Rev.1 were genuinely willing to study ways of improving the methods of work of the Commission for Social Development with a view, in particular, to putting an end to the politicization of its work, her delegation was sure that the desired results could be achieved. As for the references in the draft resolution to the Declaration on Social Progress and Development and the International Development Strategy for the Third United Nations Development Decade, her delegation wished to reiterate that the reservations that it had entered in that connection upon the adoption of those texts were still entirely valid.

107. Mrs. ITO (Japan) said that her delegation had voted in favour of draft resolution A/C.3/40/L.16, on the understanding that operative paragraph 4 would not give rise to any additional financial obligations for Member States. Moreover, it was concerned to note that under 30 States had responded to the invitation extended by the Secretary-General and had submitted information on their experience in the field in question. It was clear that many more replies would have to have been received before preparations for the seminar could begin.

108. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that he was pleased that 120 countries had supported draft resolution A/C.3/40/L.16. The Soviet Union had also endorsed the decisions of the Milan Congress, which had adopted a major programme to control crime at the international level. However, some provisions of the resolutions in question were imprecise, which had prompted several delegations to enter reservations or to clarify certain aspects. His delegation wished to stress that the declarations that it had made and the reservations that it had entered at the Congress remained valid.

109. Mr. BRAUN (Federal Republic of Germany) said that his delegation had abstained in the vote on draft resolution A/C.3/40/L.16 because it did not believe that that agenda item would contribute to the future work of either the Commission or the

(Mr. Braun, Federal Republic
of Germany)

General Assembly; that position was entirely in conformity with the position it had stated at the first regular session of the Economic and Social Council, in respect of Council resolution 1985/33.

110. Miss ATTWOOD (United Kingdom) said that her delegation was pleased that it had been able to join the consensus on draft resolution A/C.3/40/L.24. It particularly welcomed the adoption of the Milan Plan of Action, which recommended that a study on the work carried out by the United Nations in the field of crime prevention and criminal justice should be undertaken. Her delegation attached particular importance to that study and hoped that account would be taken of its findings in the preparations for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Her delegation noted that some resolutions adopted at Milan, to which reference was made in draft resolution A/C.3/40/L.24, called for the inclusion of certain questions in the agenda of the Eighth Congress. It believed that one of the purposes of the study in question was precisely to set priorities in the field of crime prevention and that, although the resolutions adopted at Milan could be a useful guide, they should not be the only factor taken into consideration.

111. The CHAIRMAN announced that the Committee had completed consideration of agenda items 91, 97 and 98.

The meeting rose at 6.20 p.m.