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Item 74 of the preliminary list*

INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, prepared in accordance with paragraph 9 of Assembly resolution 37/121 of 16 December 1982.

* A/38/50/Rev.1.

ANNEX

Report of the Group of Governmental Experts on International
Co-operation to Avert New Flows of Refugees

I. INTRODUCTION

1. The General Assembly, in its resolution 36/148 of 16 December 1981, decided to establish a group of governmental experts of 17 members to undertake as soon as possible, in order to improve international co-operation to avert new massive flows of refugees, a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international co-operation in this field, having due regard to the principle of non-intervention in the internal affairs of sovereign States. The Assembly requested the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to undertake this review in the light of the existing relevant international instruments, norms and principles and with due regard to the right of refugees to return to their homes in their homelands and the right of those who did not wish to return to receive adequate compensation.
2. The General Assembly also requested the Group of Governmental Experts to be mindful of the importance of reaching general agreement whenever that had significance for the outcome of its work.
3. The General Assembly called upon the Group of Governmental Experts to take into account the comments and suggestions submitted to the Secretary-General in response to resolution 35/124 and any further comments and suggestions from Member States, organs and organizations of the United Nations and specialized agencies, as well as the views expressed at the thirty-sixth session of the Assembly and also the study to be submitted to the Commission on Human Rights at its thirty-eighth session by the special rapporteur, pursuant to its resolution 29 (XXXVII) of 11 March 1981, and the deliberations of the Commission thereon.
4. The General Assembly, by its resolution 37/121 of 16 December 1982, decided to enlarge the Group of Governmental Experts from 17 to 24 members, with one additional seat to be rotated between the Latin American, African and Asian regions in that order.
5. In the same resolution, the General Assembly reaffirmed the mandate of the Group of Governmental Experts as defined in resolution 36/148 by stressing the need for members of the Group to embark upon the study in the framework of a constructive, future-oriented approach and in conformity with the spirit which must form the basis of friendly relations and close co-operation among Member States.
6. The General Assembly requested the Group of Governmental Experts to submit a report to the Secretary-General in time for deliberation by the Assembly at its thirty-eighth session.

II. MEMBERSHIP AND ATTENDANCE

7. In conformity with paragraph 4 of General Assembly resolution 36/148, as modified by paragraph 4 of Assembly resolution 37/121, the Secretary-General, after consultation with the regional groups and with due regard to equitable geographical distribution, and upon nomination of the Governments concerned, appointed the following members of the Group prior to its first session:

Afghanistan	Mr. Mohammad Farid Zarif <u>a/</u>
Australia	Mr. Guy Cotsell
Austria	Mr. Walter Magrutsch
Bulgaria	Mrs. Irina Kolarova
Cuba	Mrs. Maria de los Angeles Florez Prida
Czechoslovakia	Mr. Bronislav Kulawiec
Djibouti	Mr. Mohamed Osman Houfane <u>a/</u>
Ethiopia	Mr. Daniel Kinde
France	Mr. Alain Brugère
Germany, Federal Republic of	Mr. Alois Jelonek
Haiti	Mr. Jean Phito Georges
Honduras	Mr. Francisco Dario Lobo
Japan	Mr. Motohiko Nishimura
Lebanon	Mr. Sélim Tadmoury
Mexico	Mr. Luis Ortiz Monasterio
Nicaragua	Mr. Leonte Herdocia Ortega
Pakistan	Mr. Javid Husain
Senegal	Mr. Ibra Deguène Ka
Somalia	Mr. Ahmed Mohamed Adan
Sudan	Mr. Babiker Ali Khalifa
Thailand	Mr. Birabhongse Kasemsri
Togo	Mr. Koffi Adjoyi
Union of Soviet Socialist Republics	Mr. Alexander Ivanovich Zinchuk
United States of America	Mr. Harvey J. Feldman
Viet Nam	Mr. Nguyen Luong

a/ Appointed prior to the second session.

8. At the second session, the Secretary-General, upon the nomination of the Governments concerned, appointed Mrs. Eva Nowotny (Austria), Mr. Ibrahim Kharmah (Lebanon), Mr. Mario Vallejo Hinojosa (Mexico) and Mr. Sidaty Aidara (Senegal) to replace Mr. Walter Magrutsch, Mr. Sélim Tadmoury, Mr. Luis Ortiz Monasterio and Mr. Ibra Deguène Ka respectively. In the absence of Mr. Leonte Herdocia Ortega (Nicaragua), Mrs. María Eugenia Rubiales attended the meetings.

III. MEETINGS

9. The Group held two sessions from 12 to 15 April and from 6 to 10 June 1983.
10. The Group held 14 meetings. At its 2nd meeting, on 14 April, the Group decided that its meetings would, in general, be closed.

IV. OFFICERS

11. At its first session, the Group designated, by consensus, Mr. Ibra Deguène Ka (Senegal) its Chairman in absentia. Mr. Alois Jelonek (Federal Republic of Germany) was appointed Chairman ad interim.
12. Having been informed that Mr. Ka would be unable to participate in its work, the Group at its second session elected Mr. Koffi Adjoyi (Togo) Chairman by consensus and agreed that the Chairman would carry out the functions of Rapporteur.

V. PROCEEDINGS

13. At its first session, the Group of Experts agreed to the following understanding pertaining to its rules of procedure:

(a) In general, the rules of procedure of the General Assembly should be applied unless the Group of Experts decided that its special nature as defined in the Group's mandate contained in Assembly resolutions 36/148 and 37/121 required otherwise. The Group, furthermore, agreed on the need to deal with procedural questions in a flexible manner.

(b) The meetings of the Group should, as a general rule, be closed meetings, unless the Group decided otherwise.

(c) The Group was of the view that general agreement was of significance for the outcome of its work.

(d) In principle, only the experts themselves could participate with full rights in the work of the Group. In case experts might wish to be assisted, they could be accompanied by an appropriate number of advisers. In the absence of the expert, the Group might wish to grant an adviser the right to speak.

(e) With respect to observers, the Group decided that there would, in general, be no observer from the Member States, unless the Group decided otherwise. Requests from United Nations organs, organizations and specialized agencies, if received, could be decided on a case-by-case basis.

(f) Concerning the circulation of documents, the Group was of the view that, as a rule, only documents submitted by a member of the Group and the documents referred to in General Assembly resolutions 36/148 and 37/121 should be circulated officially. The circulation of documents emanating from other external sources would require the approval of the Group.

14. Furthermore, the proceedings of the first session are reflected in the summary report of Mr. Alois Jelonek, Chairman ad interim, which is appended to the present report.

15. At its second session, the Group decided to outline its programme of work, on the understanding that discussion of substance would be deferred to an appropriate time in the future. Agreement was reached on the programme of work reproduced in section VI below, with the proviso that it should provide a flexible and general frame of reference leaving open the possibility of adjustments or improvements as deemed appropriate.

VI. PROGRAMME OF WORK

16. The following programme of work was agreed upon:

- I. Introduction (Background, dimension of problem, etc.).
- II. Analysis of mandate, including questions related to terms.
- III. Circumstances causing new massive flows of refugees - different aspects relating to the problem:
 - A. Causes
 1. Natural: catastrophes
emergencies
 2. Man-made: political
economic
other
 - B. Other aspects.
- IV. Appropriate means to improve international co-operation to avert new massive flows of refugees
 - A. Analysis of existing relevant international instruments, norms, principles, machinery and practices

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B. International means

1. Political
2. Juridical
3. Economic

C. Other possible means.

V. Conclusions and recommendations.

VII. RECOMMENDATIONS

17. Having agreed on its programme of work as an essential first step towards the fulfilment of its mandate as set forth in General Assembly resolutions 36/148 and 37/121, the Group wishes to convey to the Secretary-General, and through him to the Assembly, its request for a renewal of its mandate in order to continue its comprehensive review of the problem in all its aspects.

18. It was understood that the composition of the Group would remain unchanged during 1984 unless the nominating Governments chose to replace their experts, and with the rotating seat to be allocated to an expert from the African region, in accordance with paragraph 4 of resolution 37/121.

19. In view of the magnitude and complexity of the task before it, it was the view of the Group that it would require two sessions of two-weeks' duration each during 1984, to be held preferably in March and June, respectively. The Group proposed that one session should take place in New York and one elsewhere. The Group recognized the necessity of having all experts present at its future sessions.

20. In that connection, the Group would suggest that the Organization might well consider taking the appropriate measures to the above ends.

Appendix

Group of Governmental Experts on International Co-operation
to Avert New Flows of Refugees

First session held from 12 to 15 April 1983

Summary of Mr. Alois Jelonek, Chairman ad interim

1. On 12 April 1983, on behalf of the Secretary-General of the United Nations, the Under-Secretary-General for Special Political Affairs opened the first session of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees and made a statement.
2. The Expert Group held five formal meetings and met several times in informal consultations.
3. The Group designated, by consensus, Mr. Ibra Deguène Ka (Senegal) its Chairman in absentia. Mr. Alois Jelonek (Federal Republic of Germany) was appointed Chairman ad interim.
4. As a result of informal consultations, the Group arrived at the following understanding:
 - (a) The question of the size and composition of the bureau of the Group would be set aside for the time being.
 - (b) The Group agreed that the temporary absence of its Chairman should not prevent the Group from beginning its work.
 - (c) In order to allow the Group to take up its work, the expert from the Federal Republic of Germany would, ad interim and pending the arrival of the Chairman, take up the functions to be performed for the conduct of the work of the Group.
 - (d) This understanding did not prejudice any of the future decisions of the Group regarding the size and composition of the bureau.
5. The Group took note of a number of procedural requirements concerning the conduct and pattern of conferences and meetings.
6. Pertaining to its "rules of procedures", the Group arrived at the following understanding:
 - (a) In general, the rules of procedure of the General Assembly should be applied unless the Expert Group decided that its special nature as defined in the Group's mandate contained in General Assembly resolutions 36/148 and 37/121 required otherwise. The Group, furthermore, agreed on the need to deal with procedural questions in a flexible manner.

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(b) The meetings of the Group should, as a general rule, be closed meetings, unless the Group decided otherwise.

(c) The Group was of the view that general agreement was of significance for the outcome of its work.

(d) In principle, only the experts themselves could participate with full rights in the work of the Expert Group. In case experts might wish to be assisted, they could be accompanied by an appropriate number of advisers. In the absence of the expert, the Group might wish to grant an adviser the right to speak.

(e) With respect to observers, the Group decided that there would, in general, be no observer from the Member States, unless the Group decided otherwise. Requests from United Nations organs, organizations and specialized agencies, if received, could be decided on a case-by-case basis.

(f) Concerning the circulation of documents, the Group was of the view that, as a rule, only documents submitted by a member of the Group and the documents referred to in General Assembly resolutions 36/148 and 37/121 should be circulated officially. The circulation of documents emanating from other external sources would require the approval of the Group.

7. The Group had a preliminary exchange of views on its programme of work, in the course of which the mandate of the Group and its terms as contained in General Assembly resolutions 36/148 and 37/121 were also discussed. It reached general understanding that the three main headlines suggested by the Chairman ad interim in his outline (informal working paper) were relevant and appropriate, although different views were expressed as to their exact wording, their sequence and possible subheadings. In view of the various proposals made, the Group agreed not to finalize its decision on its programme of work at that stage. Instead, the Group agreed that, until early May, further proposals in writing could be sent to the Secretariat. The Chairman ad interim was charged to incorporate the various proposals into one synoptic paper to be circulated in advance of the second session of the Group (6 to 10 June 1983).

8. In its first exchange on the Group's mandate, agreement was reached that the mandate called for a general, principled and future-oriented approach leading to concrete recommendations on appropriate means of international co-operation.

9. As to the term "refugee", the Group agreed on the inadvisability of redefining the legal definition of "refugee" as contained in a number of international instruments. In the light of the direction given to the Group's efforts by its mandate, namely, "to improve international co-operation to avert new massive flows of refugees", however, the Group held that, without prejudice to existing refugee definitions, a working understanding should be achieved on the phenomena the Group would want to address. In determining the scope of the Group's comprehensive review, attention was drawn to the necessity of taking into account all relevant elements of the resolutions 36/148 and 37/121. While some experts noted that the future-oriented preventive approach should not preclude the consideration of new

massive flows of refugees emanating from existing situations with a view to preventing such new flows of refugees and their impact on countries of first asylum, others felt that such an approach would go beyond the Group's mandate.

10. There was general agreement that the Group should not adopt a legalistic approach, but search for effective means to avert new massive flows.
