



**ADDENDUM
TO THE
REPORT
OF THE
UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES**

GENERAL ASSEMBLY
OFFICIAL RECORDS: THIRTY-SECOND SESSION
SUPPLEMENT No. 12A (A/32/12/Add.1)

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New York, 1977

NOTE

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The report of the United Nations High Commissioner for Refugees appears under the symbol A/32/12 (Official Records of the General Assembly, Thirty-second Session, Supplement No. 12).

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REPORT OF THE TWENTY-EIGHTH SESSION OF THE EXECUTIVE
COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME*

(Geneva, 4-12 October 1977)

I. INTRODUCTION

1. The Executive Committee of the High Commissioner's Programme held its twenty-eighth session from 4 October to 12 October 1977 at the Palais des Nations, Geneva.

A. Election of officers

2. Under rule 10 of the rules of procedure, which provides that officers shall be elected for the whole year, the Committee elected the following officers by acclamation:

Chairman: Mr. J. Cappelen (Norway)

Vice-Chairman: Mr. M. Mitić (Yugoslavia)

Rapporteur: Mr. K. Ahmed (Nigeria)

B. Representation on the Committee

3. The members of the Committee were represented at the session as follows:

Algeria	Greece	Switzerland
Australia	Holy See	Tunisia
Austria	Iran	Turkey
Belgium	Israel	Uganda
Brazil	Italy	United Kingdom of Great Britain and Northern Ireland
Canada	Lebanon	
Colombia	Netherlands	United Republic of Tanzania
Denmark	Nigeria	
France	Norway	United States of America
Germany, Federal Republic of	Sweden	Venezuela
		Yugoslavia

* Previously issued under the symbol A/AC.96/549.

4. The Governments of Angola, Argentina, Chile, Cuba, Cyprus, Djibouti, Egypt, Ethiopia, Finland, Indonesia, Ireland, the Ivory Coast, Japan, Lesotho, Luxembourg, Malaysia, Mali, Mauritania, Morocco, New Zealand, Peru, the Philippines, Poland, Portugal, Romania, Senegal, Somalia, Thailand, Viet Nam, and Zambia were represented by an observer, as was the Sovereign Order of Malta.

5. The United Nations system was represented as follows: United Nations, Office of the United Nations Disaster Relief Co-ordinator (UNDRO), United Nations Industrial Development Organization (UNIDO), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), World Food Programme (WFP), United Nations Institute for Training and Research (UNITAR), International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO) and World Health Organization (WHO).

6. The following intergovernmental organizations were represented by observers: the Council of Europe, the Commission of the European Communities, the Intergovernmental Committee for European Migration (ICEM), the League of Arab States and the Organization of African Unity (OAU).

7. The African National Congress of South Africa (ANC), the Pan Africanist Congress of Azania (PAC), the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU) were also represented at the meeting.

Adoption of the agenda - decision of the Committee

8. The Executive Committee decided to adopt the following agenda:

- (1) Election of officers
- (2) Adoption of the agenda (A/AC.96/536/Rev.1)
- (3) Statement by the High Commissioner and general debate (A/AC.96/INF.151 and A/AC.96/INF.153)
- (4) International protection (A/AC.96/538 and A/AC.96/INF.152)
- (5) Voluntary funds accounts for 1976 and report of the Board of Auditors (A/AC.96/537 and Add.1 and A/AC.96/547)
- (6) UNHCR assistance activities:
 - (a) Report on UNHCR assistance activities in 1976-1977 and proposed programmes and budget for 1978 (A/AC.96/539 and Add.1, A/AC.96/540, 542, 543, 545 and 546);
 - (b) Financing of UNHCR assistance programmes (A/AC.96/541).
- (7) Status of contributions and over-all financial situation for 1977 and 1978 (A/AC.96/544)
- (8) Any other questions
- (9) Consideration of the draft report on the session.

II. STATEMENT BY THE HIGH COMMISSIONER AND GENERAL DEBATE

A. Statement by the High Commissioner

9. In his opening statement 1/ to the Committee, the High Commissioner said he proposed to concentrate on some main themes and related technical details rather than on developments in the situations of concern to his Office, which had been described in a detailed and comprehensive manner in the report on assistance activities (A/AC.96/539). He referred to information he had provided at the meeting of Permanent Representatives in Geneva of States Members of the Executive Committee, and drew attention to situations which, since then, had resulted in the need for increased financial input, notably in Angola, Djibouti, Kenya and Mozambique.
10. Turning to the question of international protection, the High Commissioner reiterated the importance he attached to this basic function of his Office. He stressed the need to strengthen UNHCR's protection function through further accessions of States to international legal instruments and through the adoption of procedures to implement those instruments. His Office strove to ensure that States conformed to the generally recognized humanitarian principles and basic rights reflected in these and other instruments.
11. Commenting on the role of the Executive Committee, the High Commissioner observed that its advisory and supervisory capacity had evolved in keeping with the nature, scale and complexity of new situations of refugees and displaced persons whom his Office was called upon to assist.
12. Referring to the financial support given to the assistance programme, the High Commissioner noted the imbalance in the level of contributions between a few major contributors and the rest of the international community, and called upon the members of the Executive Committee to be pioneers in redressing this situation.
13. As for the form of presentation of the report on assistance activities, the observations of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/540) testified to the improvement in terms of clearer and more comprehensive reporting. The programmes had been amalgamated into two broad categories, General and Special Programmes, which was a question of form but which could have implications of a substantive nature. The existing financial and other rules were used for the purpose of delineation in the absence of clear guidance from pertinent bodies.
14. The High Commissioner also commented on the distinction between a refugee and a displaced person. He welcomed an exchange of views within the Committee on both these questions.
15. The financing of the assistance programme for 1977 and 1978 was a subject of

1/ For full text of the statement, see annex to this report.

special concern to his Office. The outlook was bleak. An extra \$6 million would be required for General Programmes in 1977. As for 1978, although the total needs were expected to be lower as regards Special Programmes, the target for General Programmes had increased to \$35 million. He also referred to the proposals contained in document A/AC.96/541 with a view to avoiding, to the extent possible, mid-year appeals.

16. In concluding, the High Commissioner stated that the basic problem was how to finance increased assistance needs through a corresponding increase in contributions. This could only be solved through announcements by Governments of adequate funds at the annual pledging conference. Should full funding remain a cause for concern, an informal meeting of the Executive Committee might be necessary early in 1978 for the High Commissioner to provide an updated report.

B. General debate

17. Members of the Committee commented on the growing magnitude of problems of refugees and displaced persons in various parts of the world. They paid a warm tribute to the High Commissioner on the effective manner in which his Office continued to discharge its humanitarian task.

18. The representatives reiterated the vital importance of international protection at a time when the basic human rights of refugees continued to be violated, in spite of the High Commissioner's active interventions at the highest level with the authorities concerned whenever negative practices were brought to his notice. The Committee agreed that there was a need for the strengthening of the protection function of UNHCR, inter alia, through the promotion of further accessions to the relevant international instruments.

19. Many speakers endorsed the view that members of the Committee who had not yet done so should support the High Commissioner's activities financially as well as through accession to international instruments for the benefit of refugees.

20. Some representatives expressed regret at the inconclusive outcome of the Conference of Plenipotentiaries on Territorial Asylum. They urged that efforts be made by Governments to reconcile divergencies in their respective positions and arrive at more positive attitudes before the conference was reconvened. One representative expressed the hope that non-governmental organizations would be able to play an active role at any future conference.

21. During the general debate and in the course of the session, deep concern was expressed by members of the Committee and by several observers concerning the increasing numbers of refugees who had fled their homelands, particularly in southern Africa and in South-East Asia. The dramatic situation of Indo-Chinese refugees and displaced persons who put to sea in small boats in search of a country of asylum called for the sympathetic understanding and active assistance of the international community. They commended the action taken by the High Commissioner and his staff in relation to these problems. They welcomed in particular the joint appeal addressed by the High Commissioner and the Secretary-General of the Inter-Governmental Maritime Consultative Organization (IMCO) to the effect that ships' masters be instructed scrupulously to observe the seamen's code with regard to the rescue of such persons. One representative pointed out that ships' masters

sometimes faced difficulties if, having rescued asylum-seekers, they were unable to find a country ready to admit them for temporary asylum.

22. General support was expressed for the High Commissioner's efforts to promote durable solutions to the problem of Indo-Chinese refugees and displaced persons. Several speakers noted the difficulties experienced by Thailand and other Asian countries and urged continued international financial support for the UNHCR programme, including assistance for the "boat people".

23. The observer from Thailand referred to the problems of assisting the 87,000 Indo-Chinese displaced persons in his country. His Government, together with UNHCR, was continuing to assist these people, inter alia, through self-reliance projects. He appealed to the international community to support the High Commissioner's programme in Thailand and also share the burden by offering more resettlement opportunities. He also felt that international action to promote voluntary repatriation was required.

24. The observers from Indonesia, Japan and the Philippines outlined the action taken by their respective Governments to assist the "boat people" who were temporarily admitted on their arrival or after their rescue on the high seas.

25. The observer from the Socialist Republic of Viet Nam reminded the Committee of the continuing problems related to the rehabilitation of displaced persons in his country. He thanked the High Commissioner for the assistance provided by his Office, and through his Office by certain countries, and urged that the rehabilitation of displaced persons in his country continue to be given sympathetic consideration by UNHCR.

26. Several representatives responded to the High Commissioner's suggestion in his opening statement of the need for greater clarification of the distinction between refugees and displaced persons. It was pointed out that the definition of the term "refugee" already existed in the 1951 Convention relating to the Status of Refugees 2/ and the 1967 Protocol. 3/ As to a suitable definition of displaced persons, there was less certainty. The representative of Belgium said that the only definition of a displaced person known to him was that of the International Refugee Organization which applied to specific categories and groups of persons of concern to that organization and according to which the status of displaced persons was temporary since such persons either returned to their countries of origin or became refugees. The representative of the United States was supported in his statement that displaced persons were persons in situations analogous to that of refugees but who had not crossed internationally recognized frontiers. Other representatives stressed that such distinctions, while important, should not restrict the High Commissioner's ability to act flexibly and to find practical, humanitarian solutions in each case. The representative of Sweden stressed, in this connexion, the usefulness of UNHCR as a suitable body for dealing with situations calling for the Office's experience and expertise.

27. Many speakers commented on the magnitude of the funds required by the High Commissioner to enable his Office to meet the needs of increasing problems of

2/ United Nations, Treaty Series, vol. 189, No. 2545, p. 137.

3/ Ibid., vol. 606, No. 8791, p. 267.

refugees and displaced persons in various parts of the world. They viewed with concern the grave financial crisis that was likely to face his Office with regard to the General Programmes in 1978. The view was expressed that the burden of financing UNHCR's voluntary funds programmes could no longer be borne by a relatively small number of traditional donors, and that this essential humanitarian task should be shared more equitably by the international community as a whole. It was suggested that Governments members of the Executive Committee might wish to instruct their representatives to the General Assembly of the United Nations to appeal to all Members to demonstrate their solidarity in the cause of refugees and displaced persons.

28. The High Commissioner took note of the suggestion made by one representative that he seek General Assembly authorization for the progressive transfer to the United Nations regular budget of administrative and staffing costs relating to the General Programmes of his Office.

29. Several speakers, including representatives of the African National Congress of South Africa, the Pan Africanist Congress of Azania and the Patriotic Front, singled out as a major cause of refugee situations in southern Africa the oppressive rule of minority Governments in South Africa and Rhodesia and suggested that persons now fighting in liberation movements concerned should be considered as refugees.

30. Throughout the session warm tribute was paid to the voluntary agencies for their invaluable contribution to the work of international assistance to refugees in many parts of the world.

31. Referring to the composition of UNHCR staff, both at headquarters and in branch offices, several speakers suggested that the number of staff from countries in Africa should be increased.

32. In the course of the general debate and at other times during the session, a number of representatives and observers gave accounts of the situation of refugees and displaced persons in their countries and of the measures taken for their benefit, details of which may be found in the relevant summary records.

33. Several representatives raised the question of the composition of the Executive Committee. They considered that the expansion of UNHCR's activities should be reflected in the membership of the Committee. The High Commissioner pointed out that this was a matter for the attention of the Economic and Social Council, the competent organ responsible for the membership of the Executive Committee.

C. Statement by the Secretary-General of the
Organization of African Unity

34. The Secretary-General of the Organization of African Unity, Mr. William Eteki-Mboumoua, made a statement in which he underlined the co-operation between his organization and UNHCR, and the convergence of their ideals. He paid tribute to the efforts of UNHCR on behalf of African refugees and displaced persons, and emphasized in particular the plight of asylum-seekers from South Africa and Zimbabwe. He referred to the support expressed for the High Commissioner at the twenty-ninth session of the OAU Council of Ministers and praised initiatives towards establishing an international conference on refugees in independent African States. In addition, he urged that the High Commissioner

and the United Nations re-examine their present position and agree to extend refugee assistance to those fighting in the ranks of liberation movements. He also suggested that the composition of the Executive Committee should be widened to include more African Governments.

35. The points made by the Secretary-General of the Organization of African Unity in his comprehensive statement were supported by several speakers, including African and other members and observers.

Decision of the Committee

A

36. The Executive Committee:

(a) Reaffirmed the eminently humanitarian character of the High Commissioner's manifold activities for the benefit of refugees and displaced persons and commended the exemplary manner in which these were being carried out by his Office;

(b) Stressed the primary importance of international protection and the need further to strengthen this function and called upon States, including those members of the Executive Committee, to support the High Commissioner's efforts in this regard;

(c) Expressed serious concern that there were still many countries which had not yet become parties to the 1951 Convention and the 1967 Protocol and requested the High Commissioner to take all possible action, including personal initiatives at the highest level, to encourage the Governments of those countries to adhere to those instruments;

(d) Urged Governments which had not already done so to establish formal procedures for the determination of refugee status and urged Governments of States members of the Executive Committee to set an example by taking initiatives to that effect;

(e) Recognized the serious financial situation facing the High Commissioner as a result of the greatly expanded needs of refugees to be assisted under the General Programmes;

(f) Reaffirmed the conviction that the financing of UNHCR General and Special Programmes should be equitably shared by all members of the international community and called upon States Members of the United Nations system to share more widely and proportionately the financial burden of vital humanitarian assistance to refugees and displaced persons.

B

The members of the Executive Committee concerned by the plight of refugees from Indo-China:

(a) Expressed appreciation of the efforts of the High Commissioner in carrying out special humanitarian tasks for the benefit of refugees from Indo-China;

(b) Recognized the need for continued humanitarian assistance particularly

in the area of resettlement and urged the international community to co-operate fully with the High Commissioner by extending such assistance;

(c) Recalled that the High Commissioner had issued numerous appeals to Governments over the past three years for humanitarian assistance in various forms;

(d) Noted with deep satisfaction the initiatives taken by the High Commissioner with the Secretary-General of the Inter-Governmental Maritime Consultative Organization which resulted in a joint appeal issued on 3 October 1977 to shipowners to rescue "boat people" from Indo-China in distress on the high seas;

(e) Urged the High Commissioner to renew and continue to strengthen his efforts to secure humanitarian assistance and co-operation for Indo-Chinese refugees in the following areas:

- (i) Obtaining the full application of existing international agreements relating to the rescue of persons on the high seas in the areas where Indo-Chinese refugees are likely to be located;
- (ii) Seeking the elimination of situations where permission to land at the first or even the second port of call is refused, either to "boat people" or to refugees on merchant ships who have been rescued at sea;
- (iii) Securing greater understanding and co-operation in the granting of asylum in areas where it is first sought, including likely first ports of call for "boat people";
- (iv) Continuing to seek maximum resettlement opportunities for both Indo-Chinese refugees in the camps in Thailand and for the "boat people".
- (v) Continuing to bring to the attention of Governments and agencies the urgent need for financial and other assistance necessary to provide a humanitarian solution to the plight of Indo-Chinese refugees in camps in Thailand, to meet resettlement and settlement expenses and to meet the costs of temporary care and maintenance in areas of first asylum.

C

The Executive Committee:

(a) Took note of the statements of the Secretary-General of the Organization of African Unity, some members of the Executive Committee and observers from the African National Congress and the Pan-Africanist Congress of South Africa and the Patriotic Front of Zimbabwe;

(b) Noted with appreciation the efforts of the UNHCR in giving assistance to southern African refugees in their countries of asylum;

(c) Recognized the need for UNHCR's continued and increasing assistance to refugees from Namibia, Zimbabwe and South Africa by:

- (i) Calling upon all Governments to use their best endeavours to grant refugee status to southern Africans fleeing from their countries of origin;

- (ii) Calling upon all States to give increased assistance to southern African refugees;
- (iii) Noting with appreciation the timely initiative being taken by the High Commissioner and urges him to enter into negotiation with the British authorities in order to regularize the status of Zimbabweans who hold British concessionary passports;
- (iv) Urging Governments to contribute generously to the programme of assistance in favour of southern African refugees.

III. INTERNATIONAL PROTECTION

(Item 4 of the agenda)

37. The Director of Protection, introducing the item, made reference to paragraph 1 of document A/AC.96/538 and gave an account of significant developments since the drafting of the High Commissioner's report to the General Assembly at its thirty-second session. 4/
38. The Republic of Djibouti had notified the Secretary-General of its accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Denmark and the Federal Republic of Germany had acceded to the 1961 Convention on the Reduction of Statelessness.
39. The Government of Argentina had recently commenced screening some 3,000 to 4,000 Latin American refugees registered under Decree No. 1483 with a view to determining whether they should be granted permanent residence in Argentina or whether UNHCR should be requested to arrange for their resettlement elsewhere. As at 30 September 1977, 837 persons had been permitted to take up residence and UNHCR had been requested to resettle 1,051 persons in other countries.
40. At the end of August, 1977, an agreement had been concluded with the Government of Uganda on the compensation to Asians of undetermined nationality according to which the net evaluation of assets subject to compensation was estimated as Ugandan shillings 40,510,000. Of this amount Ugandan shillings 5,510,000 were paid to UNHCR in cash for immediate distribution among the beneficiaries while the balance was to be paid in convertible currency by half-yearly instalments over a period of 10 years. A number of pending issues were still to be settled.
41. In analysing the protection function, a distinction had to be drawn - both on the national and international levels - between day-to-day concerns and the legal and institutional development of the protection function. The Sub-Committee of the Whole on International Protection had dealt in detail with some major immediate preoccupations concerning asylum, non-refoulement, expulsion and the determination of refugee status.
42. The annex to document A/AC.96/538 gave a full description of the High Commissioner's activities in the field of family reunion. It was gratifying to note that some progress had been achieved and it was hoped that more detailed information on the number of cases of reunification of separated refugee families could be given to the Committee at later sessions.
43. Immediate protection problems necessarily arose within the legal and administrative framework of individual States and UNHCR was therefore anxious to develop on-the-spot protection activities through the strengthening of protection staff in field offices in order to achieve better implementation of international instruments at the national level and, more generally, to promote improvements in municipal law concerning the status of refugees.

4/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 12 (A/32/12 and Corr.1).

44. Such efforts could not be separated from the legal and institutional development of the protection function at the international level, primarily through promoting further accessions to existing legal instruments, notably the 1951 Convention and the 1967 Protocol. The Statute of the Office of UNHCR remained the basis of the High Commissioner's protection activities and assumed particular importance in relation to those States which had not yet acceded to the Convention and Protocol or whose obligations under these instruments were restricted by the geographical limitation.

45. In the general debate and during the discussions in the Sub-Committee of the Whole on International Protection, a number of representatives stressed the importance of the international protection function of UNHCR and the need for intensifying the Office's efforts to strengthen protection in those areas where the basic rights of refugees were threatened. Mention was made of the importance of further accessions to the principal international instruments relating to refugees, of the need for the standards defined therein to be effectively implemented and for the establishment of procedures for determining refugee status. The basic significance of the humanitarian principle of non-refoulement and the need for States to follow liberal practices in regard to the granting of permanent or temporary asylum were also stressed.

46. One representative and one observer drew attention to the situation of Zimbabwean residents in the United Kingdom and stated that they were facing problems resulting from their nationality and residence status. It was agreed that this matter should be the subject of further discussion on a humanitarian basis between the High Commissioner and the authorities concerned.

47. Several representatives mentioned the distinction between refugees and displaced persons to which reference had been made by the High Commissioner in his opening statement to the Committee and during the general debate. They suggested that it would be desirable to have further details on this question which could form a basis for discussion at a subsequent session of the Committee.

48. The majority of representatives expressed approval of the work of the Sub-Committee of the Whole on International Protection and the conclusions which it had recommended for adoption by the Committee. One representative, however, expressed the view that these conclusions contained elements which his Government could not completely support and which he felt should be the subject of further discussion before a final view was taken on them by the Committee. He nevertheless stressed that his Government was a party to the 1951 Convention and the 1967 Protocol and would take due account of the recommended conclusions before the Committee in view of the humanitarian considerations involved.

49. As regards the Sub-Committee's future work, certain representatives considered that the agenda of subsequent meetings should include fewer items so as to facilitate a more thorough examination of specific subjects. One representative believed that the Sub-Committee should confine itself to specific issues and as far as possible to working out practical solutions for outstanding problems and should not become a forum in which States endeavoured to secure acceptance for their own reservations and limitations in regard to the protection of refugees. Several representatives expressed appreciation for the documents submitted to the Sub-Committee which had enabled a valuable discussion to take place. One representative pointed out that although there were practical problems and

difficulties in carrying out the recommendations of these documents, with good will and determination, the genuine needs of asylum seekers and the State would be reconciled. Another representative felt that it would be useful if future documents could be more clearly conclusion-oriented. He also felt that the meetings of the Sub-Committee should be held in a smaller conference room where proceedings could be conducted in a less formal manner. It would also be useful for the Sub-Committee to appoint a drafting group to formulate the conclusions reached. Another representative, however, considered that the formulation of the Sub-Committee's conclusions should, as hitherto, be left to the Rapporteur who would, when required, undertake the necessary consultations with interested government representatives.

50. The Executive Committee took note with approval of the report of the Sub-Committee and adopted as its own, with certain amendments, the conclusions recommended by the Sub-Committee.

51. The Committee felt that the Sub-Committee should meet, under the present officers of the Executive Committee, on the Friday preceding the opening of the twenty-ninth session of the Executive Committee. On the basis of experience, it would appear that the Sub-Committee would require to meet for at least one whole day. Considering that the Sub-Committee had to meet for a whole day immediately preceding the opening of the twenty-ninth session of the Executive Committee, one representative pointed out that, for budgetary reasons, it would be preferable for the Sub-Committee to meet on the Monday.

52. At the close of the discussions the Committee adopted conclusions including those recommended by the Sub-Committee of the Whole on International Protection, as follows:

Conclusions of the Committee

53. The Committee:

(1) General

- (a) Was gravely preoccupied that in a number of cases the basic human rights of refugees had still not been respected, that refugees had been subjected to physical violence, to unjustified and unduly prolonged measures of detention and to measures of forcible return in disregard of the principle of non-refoulement;
- (b) Welcomed the efforts undertaken by the High Commissioner in the field of international protection and recognized the urgent need for these efforts to be continued and intensified, particularly in those areas where the basic rights of refugees are endangered;
- (c) Reiterated its satisfaction at the establishment of the Sub-Committee of the Whole on International Protection as a forum for examining current problems and recommending appropriate solutions in this field;
- (d) Decided that the Sub-Committee of the Whole on International Protection should meet for one full day immediately preceding the opening of the twenty-ninth session of the Executive Committee.

(2) International instruments

- (a) Noted with disappointment that since the Committee's twenty-seventh session only one further State had acceded to the 1951 Convention and to the 1967 Protocol relating to the Status of Refugees;
- (b) Noted further that a large number of States had still not become parties to these instruments and recommended that the High Commissioner undertake a concerted and determined initiative at the highest level to promote further accessions;
- (c) Considered that such an initiative should also extend to promoting the withdrawal of the geographical limitation still maintained by certain States in respect of their obligations under the 1951 Convention and the 1967 Protocol;
- (d) Reaffirmed the fundamental importance of the Statute of the Office of the United Nations High Commissioner for Refugees as a basis for the international protection function of the High Commissioner, particularly in respect of States which had not yet acceded to the 1951 Convention or the 1967 Protocol or whose obligations under these instruments were restricted by the geographical limitation.

(3) Asylum

- (a) Noted with satisfaction the report of the High Commissioner that States have generally continued to follow liberal asylum practices;
- (b) Concerned, however, that according to the report of the High Commissioner cases continue to occur in which asylum-seekers have encountered serious difficulties in finding a country willing to grant them even temporary refuge and that refusal of permanent or temporary asylum has led in a number of cases to serious consequences for the persons concerned;
- (c) Requested the High Commissioner to draw the attention of Governments to the various international instruments existing in the field of asylum and reiterated the fundamental importance of these instruments from a humanitarian standpoint;
- (d) Appealed to Governments to follow, or continue to follow, liberal practices in granting permanent or at least temporary asylum to refugees who have come directly to their territory;
- (e) Called upon Governments to co-operate, in a spirit of international solidarity, with the High Commissioner in the performance of his functions - especially with respect to asylum - in accordance with General Assembly resolution 428 (V) of 14 December 1950.

(4) Non-refoulement

- (a) Recalling that the fundamental humanitarian principle of non-refoulement has found expression in various international

instruments adopted at the universal and regional levels and is generally accepted by States;

- (b) Expressed deep concern at the information given by the High Commissioner that, while the principle of non-refoulement is in practice widely observed, this principle has in certain cases been disregarded;
- (c) Reaffirms the fundamental importance of the observance of the principle of non-refoulement - both at the border and within the territory of a State - of persons who may be subjected to persecution if returned to their country of origin irrespective of whether or not they have been formally recognized as refugees.

(5) Expulsion

- (a) Recognized that, according to the 1951 Convention, refugees lawfully in the territory of a Contracting State are generally protected against expulsion and that in accordance with article 32 of the Convention expulsion of a refugee is only permitted in exceptional circumstances;
- (b) Recognized that a measure of expulsion may have very serious consequences for a refugee and his immediate family members residing with him;
- (c) Recommended that, in line with article 32 of the 1951 Convention, expulsion measures against a refugee should only be taken in very exceptional cases and after due consideration of all the circumstances, including the possibility for the refugee to be admitted to a country other than his country of origin;
- (d) Recommended that, in cases where the implementation of an expulsion measure is impracticable, States should consider giving refugee delinquents the same treatment as national delinquents and that States examine the possibility of elaborating an international instrument giving effect to this principle;
- (e) Recommended that an expulsion order should only be combined with custody or detention if absolutely necessary for reasons of national security or public order and that such custody or detention should not be unduly prolonged.

(6) Determination of refugee status

- (a) Noted the report of the High Commissioner concerning the importance of procedures for determining refugee status;
- (b) Noted that only a limited number of States parties to the 1951 Convention and the 1967 Protocol had established procedures for the formal determination of refugee status under these instruments.

- (c) Noted, however, with satisfaction that the establishment of such procedures was under active consideration by a number of Governments;
- (d) Expressed the hope that all States parties to the 1951 Convention and the 1967 Protocol which had not yet done so would take steps to establish such procedures in the near future and give favourable consideration to UNHCR participation in such procedures in appropriate form;
- (e) Recommended that procedures for the determination of refugee status should satisfy the following basic requirements:
 - (i) The competent official (e.g., immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State should have clear instructions for dealing with cases which might come within the purview of the relevant international instruments. He should be required to act in accordance with the principle of non-refoulement and to refer such cases to a higher authority.
 - (ii) The applicant should receive the necessary guidance as to the procedure to be followed.
 - (iii) There should be a clearly identified authority - wherever possible a single central authority - with responsibility for examining requests for refugee status and taking a decision in the first instance.
 - (iv) The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned. Applicants should also be given the opportunity, of which they should be duly informed, to contact a representative of UNHCR.
 - (v) If the applicant is recognized as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.
 - (vi) If the applicant is not recognized, he should be given a reasonable time to appeal for a formal reconsideration of the decision, either to the same or to a different authority, whether administrative or judicial, according to the prevailing system.
 - (vii) The applicant should be permitted to remain in the country pending a decision on his initial request by the competent authority referred to in paragraph (iii) above, unless it has been established by that authority that his request is clearly abusive. He should also be permitted to remain in the country while an appeal to a higher administrative authority or to the courts is pending;

- (f) Requested UNHCR to prepare, after due consideration of the opinions of States parties to the 1951 Convention and the 1967 Protocol, a detailed study on the question of the extra-territorial effect of determination of refugee status in order to enable the Committee to take a considered view on the matter at a subsequent session taking into account the opinion expressed by representatives that the acceptance by a Contracting State of refugee status as determined by other States parties to these instruments would be generally desirable;
- (g) Requested the Office to consider the possibility of issuing - for the guidance of Governments - a handbook relating to procedures and criteria for determining refugee status and circulating - with due regard to the confidential nature of individual requests and the particular situations involved - significant decisions on the determination of refugee status.

(7) Family reunion

- (a) Reiterated the fundamental importance of the principle of family reunion;
- (b) Reaffirmed the co-ordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and non-governmental organizations;
- (c) Noted with satisfaction that some measure of progress has been achieved in regard to the reunion of separated refugee families through the efforts currently undertaken by UNHCR.

(8) Protection staff

Noted with satisfaction that the High Commissioner will continue to strengthen his protection staff and more particularly provide the UNHCR field offices with staff members specifically entrusted with protection functions and agreed that strengthening of the High Commissioner's protection staff should - after due consideration of all relevant factors including such measures as may be recommended by the Administrative Management Service as a result of their recent survey - be financed from the programme reserve pending the next session of the Executive Committee.

IV. UNHCR ASSISTANCE ACTIVITIES

(Item 6 of the agenda)

54. Presenting the report on UNHCR assistance activities in 1976-1977 and proposed voluntary funds programme and budget for 1978 (A/AC.96/539 and related documents), the Acting Director of Assistance drew attention to the opinion of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/546) that the consolidated presentation, showing assistance activities financed from voluntary funds under two consolidated headings - General Programmes and Special Programmes - constituted an improvement.

55. Referring to the increased target for 1977 and the target for 1978, he said that the major reasons for the increases were new needs in southern Africa following the escalation of events in that area, and the resulting burden on the first asylum countries, as well as additional requirements in Angola, Djibouti, Kenya, Mozambique, the Sudan and Zaïre. Other reasons for the higher targets were continued relief requirements for refugees in Asia and Latin America. There were also new programmes in Romania and Yugoslavia. Additionally, there were the requirements of the Special Programmes.

56. Stressing the emphasis in UNHCR programmes on providing lasting solutions, the Acting Director said that, while rural settlement enabled refugees to reach a subsistence standard comparable to that of the surrounding populations, the integration of refugees with urban backgrounds into the cities of developing countries still posed serious problems, mainly owing to adverse economic situations affecting nationals as well as refugees.

57. Replying to the question whether UNHCR assistance might be considered development aid the Acting Director said that UNHCR did not function as a development agency, but rather filled a gap not covered by other agencies in respect of refugee settlement. Furthermore, there were several factors to be borne in mind: (a) integration assistance was, in the long run, far cheaper than relief; (b) UNHCR assistance was phased out when refugees reached the same standards as the indigenous populations; (c) UNHCR programmes were closely co-ordinated with other aid agencies, including those of the United Nations system, in order to avoid duplication.

58. In responding to the remarks of the Acting Director of Assistance, many speakers expressed approval of the revised financial target in 1977 and the target in 1978 of the General Programmes arising from increased requirements. They recognized that the High Commissioner was responding to situations in which he had been called upon by Governments to provide humanitarian assistance, and that the programme submitted reflected his assessment of the minimum needs.

59. In view of the financial stringency facing the Office, it was pointed out that it might become necessary for the High Commissioner to establish priorities for the allocation of funds toward approved projects.

60. The Director of Administration and Management referred to the changed presentation in this year's assistance document, which now included projected

special programmes requirements for 1978 and consolidated statistical tables giving a clear overview of all UNHCR programmes.

61. He briefly outlined the extent to which new or expanded refugee needs in Africa, Asia and Latin America increased manning requirements. The programme support and administration proposals had been reviewed and generally endorsed by the Advisory Committee, whose report (A/AC.96/546) was available to the Committee. He then referred to the High Commissioner's proposal to transfer a total of 12 posts to the regular United Nations budget in the biennium 1978-1979. The High Commissioner hoped that these transfers which were now before the Fifth Committee would ultimately be approved by the General Assembly. He also indicated that programme support requirements for Special Programmes in 1978 envisaged a reduction of some 30 man years.

62. The Director of Administration and Management further asked the Committee to adopt the proposal to discontinue the authority to make use of the Working Capital and Guarantee Fund to meet certain special funding requirements contained in document A/AC.96/542 as it was felt that in the foreseeable future such needs would continue to be met from special contributions.

63. Many representatives voiced their appreciation of the comprehensive and detailed information provided in the report on UNHCR assistance activities. Some representatives felt that, while they understood the reasons for the new form of presentation, the two fields of action, i.e. General Programmes and Special Programmes, should be reported on separately. It was pointed out that assistance activities for refugees were a regular and ongoing responsibility of UNHCR, while the special operations had specific goals, and that this distinction should be clearly reflected in the report. A number of representatives expressed the view that all refugee programmes of an extended duration should be incorporated into the General Programmes.

64. Members of the Committee noted that UNHCR's General Programmes continued to focus on Africa, where increased requirements arising from new situations, as outlined in the addendum to document A/AC.96/539, were evident. The Committee took note of statements by representatives and observers from African countries, notably Angola, Djibouti, Lesotho, Nigeria, Uganda, the United Republic of Tanzania and Zambia, regarding efforts to assist refugees and displaced persons. The representative of Zambia outlined the situation in his country arising from the continuing influx of refugees from southern Africa and appealed for increased support from the international community.

65. The observer for the Patriotic Front drew the attention of the Committee to systematic oppression conducted by the illegal minority régime forcing thousands of Zimbabweans to flee to neighbouring countries such as Botswana, Mozambique and Zambia. The Front was assisting the arrivals in the various camps and faced urgent needs in food, clothing, medicines, educational and agricultural assistance and transport. The Front renewed its call on the international community for increased moral and material support.

66. In a statement to the Committee, the observer for the Pan-Africanist Congress of Azania stated that following the tragic events in Soweto hundreds of students had fled to the neighbouring States of Botswana, Lesotho and Swaziland from where they were airlifted to the United Republic of Tanzania. He appealed for further educational facilities for southern African student refugees and explained the

problems of students arriving without educational documents and certificates. His organization faced other problems relating to the care of the student refugees.

67. The observer for the African National Congress said that the struggle of the people in southern Africa had reached a crucial stage and that Soweto had become a symbol of undaunted resolve and undying faith to fight for their inalienable birthright. As the struggle for liberation intensified, the forces of repression grew more barbaric, forcing a growing number of South Africans to seek refuge elsewhere. The ANC was working closely with the front-line States and with UNHCR in assisting these refugees. In the United Republic of Tanzania, ANC was planning a school project to overcome the problems of education, housing, clothing and care for the younger refugees.

68. The observer from Angola spoke warmly of the High Commissioner's role in co-ordinating assistance from the United Nations system in the rehabilitation of refugees and displaced persons in Angola. In addition, more than 220,000 persons from Zaïre had arrived in Angola, notably in the provinces of Moxico and Lunda, and their needs had been assessed recently by a United Nations mission to the area. The government was working closely with UNHCR, the League of Red Cross Societies and the Swedish and Danish Red Cross Societies in providing emergency aid.

69. The observer from Djibouti spoke of the problems his country, newly acceded to independence, faced as a result of the influx of refugees from Ethiopia. His Government had appealed to UNHCR for assistance and planned a two-phase programme for which UNHCR had allocated \$200,000.

70. With regard to the humanitarian activities of the High Commissioner described in the relevant paragraphs of document A/AC.96/539, the Committee took note of the statement made by the representative of Algeria (cf. A/AC.96/SR.287) and the statements made by the observers of Mauritania and Morocco (A/AC.96/SR.287 and 290), as well as the High Commissioner's reply to certain questions.

71. The Chairman stated that the Executive Committee was concerned only with the humanitarian aspects of the refugee problem. Its main objective, like that of the assistance programme of UNHCR, was to alleviate human suffering through providing assistance and to promote durable solutions in line with the policy and practice of UNHCR, including the voluntary repatriation in satisfactory conditions for the persons concerned and their durable settlement. The Chairman expressed the wish that further progress be made towards achieving durable solutions to this problem and the hope that the High Commissioner would continue his efforts in this regard.

72. Several speakers referred to the plight of refugees in Latin America for whom about 25 per cent of the UNHCR budget was allocated in 1976-1977. These refugees, in particular, required careful and vigilant attention and protection of UNHCR and support was expressed for the High Commissioner's recent appeal on their behalf.

73. The Committee also took note of European efforts to cope with a growing number of refugees. Mention was made of the establishment by the Council of Europe of an ad hoc Committee on territorial asylum as well as of the European Parliament for proposing measures to improve the condition of refugees in Europe.

74. In referring to the question of displaced persons in Cyprus, several representatives agreed on the continuing need for United Nations humanitarian assistance, which was co-ordinated by the High Commissioner at the request of the

Secretary-General. Tribute was paid to the High Commissioner for the manner in which he accomplished this task.

75. The representative of Greece and the observer of Cyprus made a strong plea for the continuation of humanitarian assistance to Cyprus. They indicated that the problem of displaced persons in Cyprus remained serious and was even aggravated. Expulsions from the north and establishment of people from abroad were the reasons for that. Recent developments in Famagusta and Security Council resolution 414 (1977) were characteristic of this trend. They added that the Cyprus problem was being exploited not by the victim but by the party which had created the situation. The Cypriot displaced persons were still being kept away from their homes and forced to live in deplorable conditions. They were about to spend their fourth winter in tents and other substandard accommodation. Unless the General Assembly and Security Council resolutions on Cyprus were implemented, the problem of displaced persons would persist.

76. The representative of Turkey said that humanitarian issues were being exploited for political purposes in this forum, whose task was purely humanitarian. He pointed out that the question of displaced persons in Cyprus was regularly brought before the Committee for political objectives and said that except for a few thousands kept in camps for display to foreign visitors almost all displaced Greek Cypriots had now been settled. The object was to obtain a Greek solution to the problem by using as an instrument displaced persons. He stated that the problem did not start in 1974 and the Greek side seemed to forget that the real victim had been the Turkish Cypriot community who had to leave their homes in large proportions during the last decade. He emphasized that all existing problems could best find solution within a final settlement of the Cyprus problem.

77. The Committee noted with appreciation the report on UNHCR Resettlement Activities (A/AC.96/543) which was introduced by the Chief of the Counselling, Education and Resettlement Section. The Committee also noted with satisfaction the efforts of the High Commissioner to widen the circle of resettlement countries and the increasing consultation between UNHCR and countries of immigration on over-all immigration strategies, regarding more liberalized admission criteria for refugees. It further noted the need to provide an increased number of resettlement places to meet rising demands.

78. The representative of Canada referred to the new immigration bill in Canada which provided for the admission of refugees as a distinct category of immigrants, including a flexible attitude towards the admission of persons displaced by political or social upheavals or by natural catastrophe, for whom the selection criteria were more liberal than those applicable to ordinary immigrants.

79. The representative of Australia described the new refugee policy adopted by his Government in May providing for the setting up of consultative machinery for quick action in designating new situations giving rise to refugee movements and appropriate Australian responses. This machinery would enable further refugees to be admitted for resettlement in Australia.

80. A number of representatives provided information on the admission of particular groups of refugees and displaced persons to their countries, notably Indo-Chinese and Latin Americans, and explained their Governments' policy regarding the further admission of these persons in response to the High Commissioner's appeals.

81. The need for an increased number of countries to admit cases requiring emergency resettlement was emphasized. Regarding the admission of the handicapped it was recognized that speedier consideration of cases was required to prevent deterioration.

82. In reply to a question regarding resettlement policy and planning, the High Commissioner referred to his statement at the 11 July meeting in Geneva of Permanent Representatives of States members of the Executive Committee to the effect that wherever feasible UNHCR endeavoured to promote resettlement of refugees in countries that are socially and culturally similar to their own. In some cases more distant resettlement locations had to be sought. Within the framework of efforts to resettle persons of concern to UNHCR, within the region of origin, UNHCR maintained contacts with regional organizations such as the Association of South East Asian Nations (ASEAN), the Council of Europe, the Organization of African Unity (OAU) and the Organization of American States (OAS). The settlement of refugees would continue to depend upon the generosity of countries of first asylum and those which could open their doors to those requiring resettlement in other countries.

83. Members of the Committee generally endorsed the Australian proposal regarding the transfer to the United Nations budget of staffing costs related to UNHCR's statutory functions, keeping in mind, however, that no change could be envisaged before 1979, since the United Nations budget was worked out on a biennial system. The Committee agreed to support UNHCR on this matter in the Advisory Committee and the Fifth Committee.

84. Many speakers, referring to the recommendation of the Board of Auditors (A/AC.96/537), urged UNHCR to strengthen its performance monitoring. The Acting Director of Assistance stated that the introduction of such a system had already begun. However, UNHCR was not an implementing agency and the effectiveness of performance monitoring would therefore have to depend on the willingness or ability of operational partners including Governments to agree to regular project evaluation.

85. During the session, emphasis was placed by many speakers on the importance of the High Commissioner's co-operation with other United Nations agencies.

86. In this connexion, UNHCR's close co-operation with the UNIDO, UNICEF, UNDP, WFP, the ILO, FAO and UNESCO, was particularly important. The UPU, ITU, WMO and IMCO also offered valuable co-operation in their fields. Good working relationships had been maintained with UNDRO, UNEPTSA, the United Nations Trust Fund for Southern Africa and the United Nations Council for Namibia. Close co-operation with the Secretary-General and his representatives existed as regards co-ordination of special programmes.

87. Representatives of UNIDO, WFP, the ILO, UNESCO and WHO made statements describing the close collaboration that had developed between their organizations and UNHCR. The representative of UNDRO noted that the memorandum of understanding between his organization and UNHCR was nearly completed.

88. In a statement to the Committee, the representative of the Commission of the European Communities outlined the support provided by EEC for the work of UNHCR, particularly in contributing substantial food-stuffs towards programmes in Angola, Cyprus and Zaïre.

89. In his statement, the Director of the Intergovernmental Committee for European Migration (ICEM) informed the Committee of the co-operation between his organization and UNHCR in the resettlement field and reviewed the major activities of ICEM in 1976. An area of particular co-operation included the transportation of 22,000 refugees from south-east Asia. Special mention was also made of UNHCR-ICEM co-operation on a programme designed to resettle thousands of Indo-Chinese refugees in the United States. He also stated that while co-operation between UNHCR and ICEM was close in Europe, Latin America, south-east Asia and the Middle East, it was, for well-known reasons, less developed in Africa. On an ad hoc basis, ICEM arranged movements at the request of UNHCR and ICEM was prepared to intensify co-operation should the need arise.

Decision of the Committee

90. The Executive Committee:

A

- (a) Took note with satisfaction of the results achieved by the High Commissioner under his General and Special Programmes in 1976 and the first months of 1977 as reported in document A/AC.96/539 and Addendum thereto;
- (b) Took note with concern of the dramatic pace of developments in southern Africa and the resulting large influx of refugees, not only from South Africa but also from Namibia and Southern Rhodesia (Zimbabwe) into neighbouring countries and encouraged increased assistance to these refugees;
- (c) Took note that the Secretary-General has designated the High Commissioner to co-ordinate assistance within the United Nations system in connexion with emergency assistance programmes for South African student refugees in Botswana, Lesotho and Swaziland;
- (d) Took note with satisfaction of the measures already taken by the High Commissioner in co-ordination with the relevant countries of asylum and liberation movements to alleviate the plight of these refugees;

B

- (a) Took note with appreciation of the observations of the Advisory Committee on Administrative and Budgetary Questions as contained in document A/AC.96/546 and:
 - (i) Requests the High Commissioner to bear in mind the Advisory Committee's recommendations when preparing UNHCR's programmes and budget;
 - (ii) Recognizing the current magnitude and the further expansion of programmes in the countries coming within the purview of the Eastern Africa Regional Section, endorses the High Commissioner's proposal concerning the staffing of this Section on the understanding that the level of its staffing will continue to be reviewed regularly;

- (iii) Calls upon the High Commissioner to bear in mind the Advisory Committee's preoccupations, as expressed in paragraph 18 of its report, with regard to the four new general service posts at Headquarters.
- (b) Endorsed the High Commissioner's proposal contained in paragraph 4 of document A/AC.96/542 and cancelled the authority to draw on the Working Capital and Guarantee Fund;
- (c) Took note of the allocations made by the High Commissioner from the Emergency Fund and from the proceeds of the UNHCR Record Scheme during the period 1 June 1976 to 30 June 1977;
- (d) Approved the proposals set out in paragraphs (a) to (f) of Schedule "A" of the introduction to document A/AC.96/539, corrigendum 1 thereto, as well as the proposals contained in document A/AC.96/539, Addendum 1, namely:
 - (i) The "new and revised" allocations under the 1977 General Programmes for both operations and programme support and administration and the relevant revised appropriations;
 - (ii) The revised financial target of \$24,320,000 for the 1977 General Programmes;
 - (iii) The country and area programmes and over-all allocations for the 1978 General Programmes as regards operations and programme support and administration and the relevant appropriations;
 - (iv) The financial target of \$35,209,000 for the 1978 General Programmes;

C

- (a) Requested the High Commissioner to consider ways and means of introducing clear plans of operation, wherever possible, and at least for all major operations, and to include the substance of such plans in future Executive Committee documentation on UNHCR assistance activities;
- (b) Encouraged the High Commissioner, in view of the comments of the Board of Auditors (A/AC.96/537) and the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/537/Add.1), to review his present financial controls and to improve performance monitoring systems at least for all major operations, and to report to the Executive Committee on the implementation of these systems at the Committee's twenty-ninth session.

D

- (a) Urged Governments, in view of the growing resettlement needs (A/AC.96/543), to continue to view admission of persons of concern to UNHCR in a humanitarian manner, thus not limiting admission through strictly applied immigration criteria but rather facilitating it through liberalized ones;
- (b) Took note with satisfaction of the increasing degree of co-operation

between UNHCR and countries reconsidering their over-all immigration strategies, regarding refugee admission policies;

- (c) Encouraged the High Commissioner to continue to seek the development of an effective mechanism for the speedy resettlement of "emergency cases" as specified in paragraphs 29 to 31 of document A/AC.96/543 and the prompt admission of the handicapped;
- (d) Expressed the hope that placement opportunities will be offered increasingly during 1978 and requested the High Commissioner to examine ways in which this could be achieved.

E

- (a) Recalled the principle embodied in paragraph 20 of the Statute of the United Nations High Commissioner for Refugees (General Assembly resolution 428 (V)) that administrative expenses relating to the functioning of the Office shall be borne from the budget of the United Nations;
- (b) Noted with satisfaction the proposed inclusion in the regular budget of the United Nations for the biennium 1978-1979 of 12 posts falling within this category and hitherto financed from the High Commissioner's General Programmes;
- (c) Requested the General Assembly to consider favourably the proposed inclusion of these posts within the regular budget and encourage, as appropriate, in the future, any further adjustments that may be necessary to give full effect to this principle.

V. FINANCIAL QUESTIONS

A. Voluntary funds accounts for 1976 and report of the Board of Auditors

(Item 5 of the agenda)

91. Introducing the Accounts for 1976 and the report of the Auditors (A/AC.96/537 and Add.1), the Director of Administration and Management stated that together with the balances at the beginning of the year, a total of \$116,973,000 was available to the High Commissioner in 1976 against which obligations were incurred amounting to \$90,862,000 of which less than 7 per cent pertained to programme support and administration. Unobligated balances under all voluntary funds as at 31 December 1976 totalled \$26,111,000 including the Working Capital Guarantee Fund and the Emergency Fund at their approved ceilings of \$1,500,000 and \$500,000 respectively. By year end, almost 95 per cent of contributions pledged had been received and the Director expressed appreciation of the promptness of donors in this respect. As in the past, every effort would be made to accommodate the observations and recommendations of the Auditors. Special attention was being paid to strengthening systems of performance monitoring and an audit committee was also being established. In conclusion, the Director of Administration and Management drew the attention of the Committee to proposals for the promulgation of financial rule 9.1, contained in document A/AC.96/547.

92. The Committee examined the accounts for 1976 of the voluntary funds administered by the High Commissioner and the report of the Board of Auditors (A/AC.96/537) and considered with appreciation the report of the Advisory Committee on Administrative and Budgetary Questions in respect of the audit of accounts (A/AC.96/537/Add.1).

93. During the examination of the accounts, questions were put by representatives, the details of which may be found in the relevant summary records.

Decision of the Committee

94. The Executive Committee:

- (a) Took note of the accounts for the year 1976 and the report of the Board of Auditors (A/AC.96/537);
- (b) Took note of the report of the Advisory Committee on Administrative and Budgetary Questions in respect of the accounts for the financial year 1976 and the report of the Board of Auditors thereon (A/AC.96/537/Add.1);
- (c) Concurred with the text of financial rule 9.1 for voluntary funds administered by the High Commissioner, as contained in document A/AC.96/547.

B. Status of contributions and over-all financial situation for 1977 and 1978

(Item 7 of the agenda)

95. The Director of External Affairs, introducing the report on the status of contributions and over-all financial situation (A/AC.96/544), said that a further \$2 million were still required to assure the full financing of the current year's General Programme of \$24,320,000. He pointed out that the General Programme target presented for 1978 totalled \$35,209,000, comprising \$33.2 million for the Programme and \$2 million for the Emergency Fund. More than \$18 million in additional contributions would thus be required in 1978 to finance General Programmes, which represented more than half the proposed target.
96. The estimated financial requirements of the Special Programmes, however, had decreased. Thus, the total requirements for the coming year were lower than in previous years. The change in proportion between the General and Special Programmes might, however, cause problems for donor countries, since it might prove easier for some Governments to pledge a special contribution to a major Special Programme rather than to substantially increase the regular annual contribution to the General Programme.
97. Referring to the request made by the Committee at its last session that further study be given to ways and means of avoiding mid-year appeals for funds to meet shortfalls in the General Programme, the Director of External Affairs said that UNHCR had had informal consultations with a number of interested Governments and that two proposals were before the Committee in document A/AC.96/541. One of the proposals suggested a special \$5 million Emergency Fund and the other an increase in the over-all Programme Reserve from the present 10 per cent to a suggested 20 per cent. In view of the particularly difficult financial situation facing UNHCR, the Committee might wish to defer consideration of these proposals until a future session.
98. He explained that the basic problem facing UNHCR was how to increase the total of Government contributions to a level corresponding to actual requirements in any given year. That problem could only be solved through the announcement by Governments of an adequate amount of funds at the annual Pledging Conference.
99. At last year's Pledging Conference, only \$9 million were announced, of which less than \$4 million were firm pledges, the rest being subject to parliamentary approval and therefore not available for commitment at the beginning of the year. A few Governments which were not in a position to announce their contribution at the Pledging Conference did so later in a total of \$2 million. Of the approximately \$22 million at present available for the revised General Programmes for 1977, only half came from regular annual governmental contributions.
100. He pointed out that the General Programme target for 1978 was double that for 1977. However, even if all regular governmental contributions were doubled, this would only increase the regular income from \$11 million to \$22 million, leaving a substantial amount still to be raised in order to reach the target of \$35.2 million. The regular annual contributions required therefore to be tripled rather than doubled if the full financing of the 1978 General Programme was to be achieved without burdening Governments with too many appeals for additional contributions.
101. The representatives who spoke said they shared the High Commissioner's concern regarding the grave situation that might arise in the early part of 1978 with regard

to the financing of UNHCR's General Programmes. They agreed that this problem should be given careful and sympathetic consideration by all members of the Executive Committee and of the international community as a whole. It was pointed out that, in view of the ever-increasing numbers of refugees and displaced persons in urgent need of assistance, the burden of financing UNHCR's voluntary funds programme could no longer be borne by a relatively small number of traditional donors. It was essential that the international community as a whole should participate in this humanitarian task. A number of representatives agreed that the members of the Executive Committee had a special moral responsibility to contribute to the High Commissioner's material assistance programmes. It was pointed out that if the necessary funds were not forthcoming the High Commissioner might be faced with the difficult task of readjusting the UNHCR's General Programmes.

102. In reply to a question, the High Commissioner said that general appeals for financial support for UNHCR assistance programmes were made to all Governments. These appeals were followed up by his representatives in some 50 countries. Their efforts were further complemented by his own personal approaches in capitals and with permanent representatives in Geneva and in New York. In countries where UNHCR was not represented, it received the valuable support of UNDP resident representatives who undertook the necessary follow-up. Furthermore, as members of the Committee were aware, the Secretary-General convened an annual Pledging Conference for the announcement of contributions each year during the General Assembly.

103. Members of the Committee noted with interest the two proposals contained in paragraphs 4 and 5 of the note on the financing of UNHCR General Programmes (A/AC.96/541). They recognized that neither of the proposals would in themselves solve the problem of mid-year appeals. They agreed, therefore, that in view of the present difficult financial situation detailed consideration of the proposals be deferred until a future session of the Committee. One representative suggested that the Advisory Committee should be requested to give its views on the question.

104. The Committee welcomed announcements of contributions made during the session as indicated below:

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| AUSTRALIA | The representative of Australia announced that his Government proposed to increase its contribution to the General Programmes from \$A 460,000 in 1977 to \$A 540,000 in 1978, an increase of 17 per cent. |
| BELGIUM | The representative of Belgium announced that his Government would maintain its contribution to the General Programmes for 1978 at its present amount of some \$US 270,000. The Government would, however, increase by 100 per cent its contribution to the eligibility costs of the Branch office in Brussels from 1 million Belgian francs (some \$US 27,000) to 2 million Belgian francs. |
| BRAZIL | The representative of Brazil announced that his Government will contribute an amount of \$US 10,000 to the UNHCR General Programme for 1977. Regarding 1978, his Government was allocating a sum of \$US 20,000 of which \$10,000 is intended for General Programmes and \$10,000 for Special Programmes covering Angola and Mozambique. |

CANADA The representative of Canada announced a contribution of \$C 475,000 in the form of food aid to Thailand within the framework of the High Commissioner's appeal for Indochinese refugees in that country.

DENMARK The representative of Denmark announced that his Government was prepared to increase its contribution to the General Programmes in 1978, but he was not yet in a position to say by how much. His delegation also hoped that his Government would shortly be able to inform the High Commissioner of special Danish contributions to UNHCR's programme for Latin American refugees and for its assistance in Lebanon.

GERMANY,
FEDERAL
REPUBLIC OF The representative of the Federal Republic of Germany announced that his Government had decided, subject to parliamentary approval, to increase its annual contribution to the General Programmes from DM 2 million in 1977 to DM 2,500,000 in 1978. His Government would further contribute DM 500,000 for refugees in Thailand, in response to the High Commissioner's appeal of 25 February 1977 and DM 500,000 for the three rural settlements for refugees under the sponsorship of UNHCR in Mozambique, in response to his appeal of 8 June 1977 for assistance for southern Africans.

IRAN The representative of Iran announced that the contribution of his Government for 1978 would be \$US 40,000, four times the amount contributed for 1977.

NIGERIA The representative of Nigeria announced that his Government's contribution to the General Programmes for 1977 was to be the equivalent of \$US 30,400, three times the figure for 1976. He said that, while he was in no position to make a definite statement, his Government might consider an increase in the already enhanced pledge to UNHCR in view of the critical financial situation facing the High Commissioner's programme. In any case, Nigeria's pledge for 1978 would not be less than the pledge for 1977. He appealed to all Governments to make generous pledges to the programme. He also referred to the Southern African Relief Fund launched by his Government in December 1976, which was to be used in alleviating the sufferings of refugees from southern Africa. Furthermore, he hinted that his Government would look into the possibility of making contributions from the Relief Fund to the UNHCR Special Programme for southern African refugees.

NORWAY The representative of Norway was not yet in a position to announce his Government's contribution for 1978 but assured the Committee that the contribution for 1978 would be higher than that for 1977.

PHILIPPINES The representative of the Philippines announced that his Government was contributing to UNHCR for assistance in Lebanon.

SWEDEN The representative of Sweden announced that his Government intended to triple its contribution to the General Programme from S.Kr. 5 million in 1977 to S.Kr. 15 million in 1978, the equivalent of approximately \$US 3.3 million. A further S.Kr. 10 million (\$US 2.2 million) would be made available for activities of the

High Commissioner outside the General Programmes. In addition, Sweden was ready, as in the past, to consider further support, if special circumstances should require this.

- SWITZERLAND The representative of Switzerland announced that the amount of his Government's contribution to the General Programmes for 1978 had not yet been decided but would be of the same magnitude as that for 1977. His Government would continue to give careful consideration to special appeals and would respond favourably where possible.
- UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND The representative of the United Kingdom announced that, subject to parliamentary approval, his Government had decided to make a special contribution of £350,000 to the General Programmes for 1977, bringing its total contribution for that year to £700,000. Further, subject to parliamentary approval, the British contribution for 1978 would be increased to £400,000.
- UNITED STATES OF AMERICA The representative of the United States of America announced that his Government had programmed \$6 million for construction of secondary schools for refugees in Botswana, and that a further \$200,000 would be contributed for students at N'kumbi College in Lusaka, with an equal amount planned during 1977 for other African educational programmes. Another special contribution to UNHCR for refugee programmes in various parts of Africa is under current consideration. The representative announced that, in addition to its regular contributions to UNHCR, the United States provided \$1 million in 1977 in response to the UNHCR special appeal for southern Africa. Sympathetic consideration was also being given by the United States Government to a special contribution to UNHCR in response to the recent appeal for Latin American refugees.
- YUGOSLAVIA The representative of Yugoslavia announced his Government's readiness within coming months to provide assistance through UNHCR to refugees in Mozambique.

Decision of the Committee

105. The Executive Committee:

- (a) Took note of the report submitted by the High Commissioner on the status of contributions to UNHCR voluntary funds and the over-all financial situation for 1977 and 1978 (A/AC.96/544);
- (b) Noted with appreciation the generosity of some Governments which had made or were expected to make special contributions to enable the High Commissioner to secure the full financing of the 1977 General Programmes;
- (c) Recognized that the requirements of the UNHCR General Programmes for 1978 had risen to an unprecedented level which called for a very considerable increase in financial support from the international community;
- (d) Urged Governments, which had not hitherto done so, to participate substantially in the financing of the High Commissioner's humanitarian

activities in keeping with the universal character of the problems facing UNHCR and the need for an equitable and widespread support of the High Commissioner's work;

- (e) Urged Governments contributing to the High Commissioner's General Programme to increase substantially the level of their contributions for 1978;
- (f) Invited all States Members of the United Nations, on the occasion of the next annual Pledging Conference in New York, to announce their maximum financial support in the form of pledges of contributions to the High Commissioner's humanitarian assistance programmes for 1978, thus enabling the High Commissioner to start implementation without delay of his programmes of assistance;
- (g) Endorsed the suggestion that Governments consider incorporating financial provisions in their national budgets to enable them to respond promptly and favourably should the High Commissioner appeal for contributions during the course of the year to meet new and unforeseen needs.

ANNEX

Opening statement made by the High Commissioner to the Executive Committee
of the High Commissioner's Programme at its twenty-eighth session on
4 October 1977

Mr. Chairman, distinguished delegates, I deem it a privilege to welcome at this year's session so many observer delegations. The presence of such a large number of Governments as well as governmental and non-governmental organizations gives this session a unique character. This broad interest in our work does justice to the wide-ranging humanitarian activities undertaken by UNHCR in all regions of the world. It is also a sign of widening interest and increasing support to the cause of millions of refugees and displaced persons throughout the world.

I am glad to share with the Committee the major preoccupation of my Office. However, instead of presenting a survey of various situations of concern to UNHCR, I propose to concentrate on some main themes and related technical details which are of immediate interest to this session. To my regret, I am compelled this year to impose on the Committee institutional technicalities. I would rather have done without a text and instead to have given you the human story in all its tragic details of millions of uprooted people whose cause we espouse. The misery of refugees and displaced persons does not allow us to forget for a moment that, behind the statistics and figures, there are human beings whose welfare is our joint and primary concern.

If I am encouraged to adopt this variation in presentation, it is partly because the documentation available to the Committee, and, in particular, the report on assistance activities contained in document A/AC.96/539 and its addendum, is the most detailed and comprehensive hitherto presented. I would, consequently, not wish to repeat what is already available in an integrated form. Additionally, at the ad hoc meeting of Permanent Representatives in Geneva of States members of the Executive Committee on 11 July, I provided in my statement a full account of latest developments. These related mainly to situations in Africa, Asia and Latin America, notably the assistance programmes in southern Africa, Indo-Chinese displaced persons and refugees including thousands of "boat people" in various parts of south-east Asia, the continuing problem of assistance to and resettlement of Latin American refugees, especially those in Argentina.

May I, Mr. Chairman, add a few words on situations since July, particularly in view of the fact that they have substantially increased the 1978 budget proposals.

First, the Government of Angola has requested assistance in view of recent influxes of Zairian refugees. Secondly, we have received a request from the Government of the Republic of Djibouti for assistance to refugees from Ethiopia. In both these cases, the need for immediate relief and the relatively high cost of durable solutions call for an important financial input, amounting to some \$5 million. Thirdly, the Government of Kenya has submitted a request for help in the rehabilitation of asylum seekers from Uganda. Finally, increased aid measures are required in Mozambique. Recently, Assistant Secretary-General Farah led a

mission to that country following a request of the Security Council. While some of the measures proposed by Mr. Farah had already been foreseen in our budget proposals, the uncovered balance is now presented in the addendum of the assistance report. Salient features of these and other assistance proposals shall be brought to the attention of the Committee when the agenda item relating to assistance is taken up.

Turning to the question of international protection which was discussed by the Sub-Committee yesterday, I only wish here to reiterate the importance I attach to our protection function and the understanding and support required from you for this vital aspect of our work. Specifically, there is a need to strengthen UNHCR's protection function, firstly through further accession to international instruments such as the 1951 Convention and the 1967 Protocol and, secondly, as regards those States which have already acceded, through the elaboration of procedures for implementation of these instruments without which accession loses much of its meaning. My Office continues, unswervingly, to ensure to the extent possible, that the practice of States conforms to the generally recognized humanitarian principles and basic rights reflected in these and other relevant instruments. In this connexion, it is important that member Governments of this Committee review their individual positions. For example, of the 31 members of this Committee, six or about 20 per cent of the membership, are not parties to both the 1951 Convention and the 1967 Protocol. Of these, three members are party to no international instruments, while three others are party to one of the two main instruments.

What is more serious, however, is that only 12 Governments out of the 31 represented in this Committee have established procedures for the implementation of these instruments particularly as regards determination of refugee status. In other words, 60 per cent of the membership has yet to develop national legislation or well-defined administrative procedures on matters provided for in the two international instruments.

Mr. Chairman, with your permission, I would now like to briefly comment on the role of the Executive Committee itself, particularly in view of the fact that parallel to the evolution in the work of my Office, the work of the Committee has also considerably evolved. Ever since its establishment, this Committee has been an unfailing guide and its unanimous support has always been warmly welcomed and appreciated by my Office. Since the adoption of General Assembly resolution 1166 (XII) of 26 November 1957 establishing the Committee, it has remained a faithful ally whose helping hand has been needed over the years well beyond its original function of advising the High Commissioner on his functions under the Statute of his Office. Its deliberations on protection matters, now further consolidated through the establishment of the Sub-Committee and its advice on the so-called "special operations" have proved most valuable. The recurring pattern of the large-scale assistance operations, including those for which UNHCR was requested by the Secretary-General to act as co-ordinator of assistance from the United Nations system, necessitated the streamlining of reporting procedures. This was recognized by the General Assembly in its resolution 3271 (XXIX) of 10 December 1974 in which it endorsed the decision of the Executive Committee to report on "special humanitarian tasks in the same manner as on other activities financed from trust funds under his regular programme".

The expanding role of the Executive Committee, made necessary by the scale and complexity of new situations of concern to the Office, further emphasizes its position as one of the principal tools to promote the humanitarian policies and

actions of the United Nations. At the same time, by bringing the Committee increasingly into the limelight, this evolution also brings it under closer scrutiny. Consequently, there is need for its members to be pioneers in the field of assistance to the uprooted and to serve collectively as an incentive to other Governments.

In this connexion, I have already indicated what could be done in the field of international protection. Let me now comment on the material assistance aspect.

There is an increasing number of Governments giving their financial support to the programmes: those contributing to the General Programmes number more than 80 while the on-going special programmes have received contributions from 57 Governments. However, as regards the Executive Committee if one were to take the current year as an example, seven member Governments have not contributed to UNHCR's General Programmes, while, for the special programmes, 14 members (or 45 per cent of the membership) have provided no financial support. Additionally, as an indication of the level of participation, 10 members contributed over 86 per cent of the total received for the General Programmes while, for the special programmes, seven member Governments accounted for some 94 per cent of the total funds contributed to date.

The imbalance in the level of support on a global basis must be redressed and this Committee must show the way. I look forward to a radical change in the situation just as I welcome the evolution in the role of the Committee which explains the corresponding attempt on the part of my Office to adjust and improve the documentation prepared for you on which I would now like to comment.

My Office has been invited by the Executive Committee, the Advisory Committee on Administrative and Budgetary Questions as well as the General Assembly to present integrated and comprehensive reports on our over-all activities. This evolution, justified by circumstances and a recurrent pattern of various humanitarian actions undertaken by UNHCR, is explained in document A/AC.96/540, to which I should like especially to draw your attention. As regards the form of presentation, I believe it represents an improvement in terms of clearer and fuller reporting. This is testified by the last report of the Advisory Committee available to the Committee in document A/AC.96/546, where in paragraphs 2 and 6 the Advisory Committee has recorded its approval and support. However, even though the amalgamation of programmes into two broad categories, i.e. General and Special Programmes, is a question of form, the change can have implications of substantive nature. The question may be asked, for instance, as to why such and such assistance operations should not be classified as general programmes, or vice versa. The fact of the matter is that, in the absence of clear guidance from pertinent bodies, UNHCR cannot take upon itself arbitrarily to establish basic criteria. As best, I can use the existing financial and other rules for purposes of delineation. Thus, all operations financed from Trust Funds as defined in the Financial Rules have been put together as Special Programmes. It is, however, conceivable that, at a given stage, when the nature of financing changes, any such operation becomes a part of General Programmes.

This distinction leads me to another fundamental question, i.e. the distinction between a refugee and a displaced person. Judging from the relevant resolutions of the General Assembly, a displaced person would appear to be one who, while not fulfilling strictu sensu the refugee eligibility criteria, is in a situation analogous to that of a refugee. Additionally, it is felt by some that persons who

do not cross an internationally recognized border should be treated as displaced persons. Here again, there is need for clarification. A beginning could be made in the Executive Committee if the member Governments so desire.

It seems to me that the question of definitions and criteria is as fundamental as the terms of reference of the Executive Committee to which I referred earlier. While it will clearly be up to the Economic and Social Council or the General Assembly to define or modify them further, I see advantage in a constructive exchange of views within this Committee.

Mr. Chairman, distinguished delegates, when faced with emergency situations requiring urgent humanitarian assistance, my main concern was not the terminology to be used for those operations or whether the funds needed for them should appear under column X, Y or Z of a financial chart. I was more concerned with the arrangements for helping the victims to survive, do everything to bring them succour speedily and efficiently and to promote durable solutions to their problems. This does not mean, however, that institutional or legal arrangements relating to these operations are any less important than the operation itself. It simply means that because of the very nature of these humanitarian operations, action often preceded legislative texts. The unanimous support given by the pertinent organs including, in particular, the General Assembly bears testimony to the fact that the international community approved of this course of action.

Mr. Chairman, I should now like to turn to the financing of the UNHCR assistance programmes for this year and for 1978 - a subject of special concern to me on which I should like to seek your guidance and support.

The General Programmes for 1977, as will be seen from the documents before you, will require an additional \$6 million, bringing the target up to some \$24.3 million. Fortunately, taking into account important special contributions pledged or expected, I am hopeful that adequate funds will become available to finance the full requirements this year. However, the outlook for 1978 is bleak. Although the total requirements are expected to be much lower in 1978 than in 1977, the needs under the General Programmes have substantially increased to a target of \$35.2 million.

This amount is based on actual needs and the programmes have been carefully planned to ensure that the very minimum needs of the refugees will be met. Duplication with other sources of aid, bilateral and multilateral, is scrupulously avoided.

May I emphasize two important points. First, in elaborating the target for 1978, the requirements of the General Programmes have substantially increased while those of the Special Programmes have decreased. This change may have implications for some donor Governments for whom pledges towards the Special Programmes may be more feasible than the doubling or tripling of annual contributions to the General Programmes. Secondly, at last year's session, delegates mentioned the desirability of avoiding mid-year appeals for additional funds to meet shortfalls. To help overcome such constraints and after informal consultations with a number of Governments, two proposals are presented to the Committee in document A/A A/AC.96/541. One recommends a special \$5 million Emergency Fund and the other suggests an increase of the Programme Reserve from 10 to 20 per cent. While these proposals would give added flexibility to the Office in dealing with the problem of shortfalls in years when there is little or no increase in the over-all

financial requirements, they do not solve problems arising from very substantial increases such as are required in 1978.

My problem is both simple and complex: how to finance increases in assistance needs through a corresponding increase in contributions. This can only be solved through the announcement by Governments of adequate funds at the annual Pledging Conference.

In the event that the full financing of programmes still remains a cause for serious concern, it may be necessary, in the early part of next year, to convene an informal meeting of this Committee in order for me to provide an updated report.

Mr. Chairman, even though the international community is saturated with appeals for funds, I have taken the liberty of emphasizing the financial difficulties because I am deeply concerned about the need for a substantial increase in contributions. In doing so, I am reminded of what the first High Commissioner, van Heuven Goedhart, once said and which certainly remains true today:

"The refugee problem has nothing to do with charity. It is not the problem of people to be pitied: far more of people to be admired. It is the problem of people, who, somewhere, somehow, sometime, had the courage to give up the feeling of belonging which they possessed, rather than abandon the human freedom which they wanted more highly."

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