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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Thirty-fifth session

SUMMARY RECORD OF THE 368th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 October 1984, at 11 a.m.

<u>Temporary Chairman:</u>	Mr. EWERLOF	(Sweden)
<u>Chairman:</u>	Mr. MEBAZAA	(Tunisia)

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The meeting was called to order at 11.25 a.m.

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the thirty-fifth session of the Executive Committee of the High Commissioner's Programme.
2. As Vice-Chairman, and then Chairman, of the Executive Committee, he had had an opportunity to appreciate the outstanding work of the High Commissioner and his staff, both at Headquarters and in the field, in Ethiopia, Somalia and Sudan. So many of those who worked for the UNHCR and the non-governmental organizations were doing a splendid job, and he had been struck in particular by the number of young people involved. The enormous sacrifices being made by many countries in order to care for refugees - countries that were among the poorest in the world - deserved admiration and gratitude and he wished to thank the Commissioner for Refugees of Sudan who had enabled him to understand many new aspects of the refugee problem.
3. He felt very strongly that it was not enough simply to meet the basic needs of refugees. They should also have the possibility of becoming self-sufficient. The constant aim, therefore, should be to find a durable solution which could take the form of voluntary repatriation, together with assistance to enable them to achieve self-sufficiency upon their return to their own country, or of integration and self-sufficiency in the country of asylum. Aid coming from so many different sources should be properly co-ordinated and put to the most effective use. The Second International Conference on Assistance to Refugees in Africa (ICARA II) had been particularly important in that it had recognized the need for a new approach in the form of closer integration of refugee aid and development assistance in areas where there were refugees. If the expectations created by the Mont-Pélérin meeting and ICARA II were fulfilled, a major step towards a durable solution would have been taken. The implementation of that new approach might well be UNHCR's main responsibility in the coming year.
4. Referring to the question of military and armed attacks on refugee camps and settlements, he said that, irrespective of what conclusion the Executive Committee might reach in the matter, the main thing was for the international community to continue to condemn such attacks as and when they occurred. Refugees had a right to feel safe and to be protected. If the High Commissioner was to discharge that most important responsibility, he needed the support of the international community. It should be a matter of special concern to the Executive Committee that there were so many instances in which refugees were not safe, in which they were detained, in which they were sent back to the country of origin, in which they were even killed. In cases where the High Commissioner's protests might not always be heeded as they should be, he must be able to count on the full support of Governments that were members of the Executive Committee.

ELECTION OF OFFICERS (item 2 of the provisional agenda)

5. The TEMPORARY CHAIRMAN invited the members of the Committee to nominate candidates for the office of Chairman.
6. Mr. CHARRY-SAMPER (Colombia) nominated Mr. Mebazaa (Tunisia) for the office of Chairman.

7. Mr. ONKELINX (Belgium) seconded the nomination.
8. Mr. Mebazaa (Tunisia) was elected Chairman by acclamation.
9. The CHAIRMAN invited the members of the Committee to nominate candidates for the office of Vice-Chairman.
10. Mr. KHARMA (Lebanon) nominated Mr. Chiba (Japan) for the office of Vice-Chairman.
11. Mr. EL DEEB (Sudan) seconded the nomination.
12. Mr. Chiba (Japan) was elected Vice-Chairman by acclamation.
13. The CHAIRMAN invited the members of the Committee to nominate candidates for the office of Rapporteur.
14. Mr. EL HAFDHI (Tunisia) nominated Mr. Uusitalo (Finland) for the office of Rapporteur.
15. Mr. SHEEHAN (Canada) seconded the nomination.
16. Mr. Uusitalo (Finland) was elected Rapporteur by acclamation.
17. The CHAIRMAN paid a tribute to Mr. Ewerlöf, who had presided over the thirty-fourth session.

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS (item 3 of the provisional agenda)

18. The provisional agenda (A/AC.96/644/Rev.1) was adopted.

STATEMENT BY THE CHAIRMAN

19. The CHAIRMAN, thanking members for the trust they had placed in him by electing him to the Chair, said that the Executive Committee's current session was taking place in a particularly difficult international context, which made the issues that were to be considered even more complex than in the past. The agenda reflected the scope and seriousness of the problems involved, as well as the will of the international community and UNHCR to deal with the situation by taking the necessary measures to maintain effective international action. Faced with the massive increase in refugees, UNHCR had recognized the pressing need to review, update and assess, and had already overcome a number of obstacles. Among its tangible achievements were the approach adopted to aid for countries of asylum in Africa and also the link between development aid and aid to refugees which constituted a positive step towards the implementation of durable solutions.
20. The task of the Executive Committee at its thirty-fifth session, therefore, should be to consolidate those developments. The items on the Committee's agenda clearly reflected UNHCR's desire to rise to the new challenges created by the current situation. Accordingly, under the item on assistance, the Executive Committee would be required to attempt an initial assessment and to consider the possibilities of continuing development aid for countries of asylum in Africa and elsewhere, and also to consider methods of evaluating assistance programmes with a view to rendering them more effective. Its conclusions with regard to delegation

of powers in the field would be of particular interest in view of the impact on the question of the structuring of UNHCR and the smooth implementation of programmes. The views expressed would also provide an indication of any adjustments required and thus help to improve programme management.

21. Under the item on international protection, the Executive Committee would have to consider and adopt appropriate measures not only on violations of the right of asylum and non-observance of the principle of non-refoulement which were unfortunately all too frequent, but also on two highly topical matters on which it was important to reach agreement, namely, rescue of persons in distress at sea and armed attacks on refugee camps and settlements. There had been some progress in respect of the rescue of asylum seekers in distress at sea and it was heartening that the Nansen Medal for 1984 had been awarded to the crew of the merchant vessel "Rose City" which had saved scores of lives. Clear conclusions by the Committee on the question of armed attacks on refugee camps and settlements would also save the lives of thousands of refugees.

22. The Executive Committee was further required to consider a number of administrative and financial matters which merited close attention. Despite the solidarity shown by the international community, UNHCR was passing through a period of budgetary stringency, and it was against that background that the Executive Committee had been invited to give its opinion on the job classification exercise recommended by the United Nations Administrative and Management Service. The Executive Committee would have to take account not only of the financial implications of the exercise but also of the principles of equity and flexibility that would have to be applied.

23. The high point of the year had undoubtedly been ICARA II. The results of the Conference had been gratifying and he wished to make an urgent appeal to the international community to ensure that the projects selected were funded.

24. Lastly, he wished to pay a tribute to the High Commissioner, the Deputy High Commissioner and all staff members of UNHCR, and to express appreciation to the non-governmental organizations for their work on behalf of refugees. It was gratifying to note that Haiti and Mozambique had recently become parties to the 1951 Convention and the 1967 Protocol, thereby strengthening the legal framework within which international activities on behalf of refugees were conducted.

STATEMENT BY THE HIGH COMMISSIONER FOR REFUGEES

25. Mr. HARTLING (High Commissioner for Refugees) said he was confident that, under the enlightened guidance of the Chairman, the session would not fail to be constructive, and he welcomed the new Vice-Chairman and Rapporteur.

26. It was not his intention at the current meeting to give an exhaustive report on developments and facts which were contained in the various documents before the Committee, particularly in what was referred to as the "book" - his annual report on the previous and current years and proposals for the coming year. Following the Committee's helpful suggestions, his Office had effected certain refinements which he hoped would make the "book" easier to study and comprehend.

27. Referring to some recent developments, he said that perhaps his greatest concern had been the manifest erosion in many parts of the world of the fundamental concept of asylum, coupled with a tendency to "look the other way" whenever there was talk of durable solutions. He hoped that the number, magnitude and duration of

major refugee situations in the world had not led to a disaffection perhaps even a certain cynicism in the international community which had for so long staunchly upheld the humanitarian principles of protection and assistance. Yet, he could not help wondering whether, with a little additional imagination, and a modicum of patience, many of the seemingly inexplicable situations currently facing the world could not be ultimately resolved. Of course, there were obstacles, too often of a political nature. They had no place in the Committee's debates and he would merely comment, in that regard, that where there was a will there was a way.

28. He was convinced that all deplored the disturbing trends to which the "Note on International Protection" (A/AC.96/643) pointed. For example, the present age was one in which asylum-seekers were no longer only border-crossers but arrived by sea and by air in increasingly large numbers in countries far away from their homelands. Their very presence and the problems resulting from the dimensions of that new phenomenon were exploited by xenophobic tendencies in public opinion. He well understood the dilemma facing many host countries, but feared that those difficulties might tempt some Governments to consider adopting restrictive practices and deterrent measures which, in his view, should never be resorted to in dealing with refugees. He could propose no easy solution to that growing problem of intercontinental asylum-seekers and "refugees in orbit". But he would welcome the views of the Committee on how the international community could come to grips with those problems in a positive way. For its part, his office was planning to organize in 1985 a seminar on protection issues in Europe, bringing together Governments and voluntary agencies, as recommended by the Seminar on Integration of Refugees in Europe, held in September 1983.

29. He was equally troubled by the many different forms of violence of which refugees were the helpless victims, whether on land or at sea, and the relatively modest efforts being made by the international community to tackle that heart-breaking problem. He would welcome the views of the Committee on the subject, in the hope that it could give the lead for more energetic action.

30. One of the most encouraging events of the past year had been ICARA II. The Conference had been motivated, among other things, by a need to adjust to new realities in the refugee situation in the developing world. Governments had been requested to endorse a new strategy linking aid to refugees with development aid, to strengthen national infrastructures and also to promote or consolidate the durable solutions achieved through the UNHCR programmes. The response of the Conference had been overwhelmingly positive. What was needed now was to translate the principles agreed upon into action. It was hoped that the first concrete results in that regard could be reported to the General Assembly in November. Clearly, it was essential to use the achievements of the Conference as the foundation for further action.

31. UNHCR had been actively involved in the preparation for the Conference and would continue to play its role in the follow-up process. The Deputy High Commissioner would remain a member of the ICARA Steering Committee, which, at the request of the Secretary-General, would continue to co-ordinate and provide policy guidance on ICARA activities. Through existing mechanisms, notably the Bureau for Africa, UNHCR would contribute, within its competence, towards the realization of the Declaration and Programme of Action endorsed by acclamation at the Conference.

32. He hoped that the very positive atmosphere of the Conference would not be dissipated by any lack of energy in giving concrete expression to the commitments made. In that connection, he stressed that he fully supported the concept of additionality. If host Governments in low-income countries had to bear an additional burden through receiving refugees with a consequent negative effect on their development, then, in all fairness, not only should that burden be shared, but help to those countries should also be additional to that aimed directly at the refugees. In that regard, he drew the Committee's attention to the paper on "Refugee Aid and Development" (A/AC.96/645).

33. It should not be forgotten that UNHCR had always sought first and foremost to initiate durable situations; almost 42 per cent of the budget for 1985 was devoted to durable solutions. Nevertheless, his Office would like that percentage to be much higher. Models such as the World Bank project in Pakistan, which was now well under way, should be imitated elsewhere. He would like to see more projects which, while helping refugees to settle and become self-sufficient, were also of benefit to the surrounding population, and which engaged partners that were not necessarily the classic relief agencies. He believed that some modest headway was being made in that area. His Office had hopes of developing that type of approach in certain countries where it had not been possible until the present time to envisage such projects to any great extent. In Thailand, for instance, his Office was in the process of concluding arrangements for an assistance programme aimed at local integration and eventual naturalization of a group of ethnic Thai Refugees from Kampuchea, which should also provide benefits to neighbouring Thai villages.

34. He recalled that in recent years there had been notable progress in regard to voluntary repatriation both with the return of refugees from Djibouti to Ethiopia and the return of large numbers of refugees to Uganda from Zaire and the Sudan. Refugees were also returning to certain countries in Latin America, notably Argentina. Elsewhere, however, there had been little progress in promoting voluntary repatriation, particularly in South East Asia. The prerequisite for any organized movement of repatriation was that, first and foremost, it must be voluntary. His Office always stressed that repeatedly in its talks with government officials and others concerned. Second, there must be clear and unequivocal agreement between the host country and the country of origin, both on the modalities of the movement and the conditions of reception, including certain minimal guarantees of security and well-being. Third, it was vitally important that returnees should be allowed to return to their places of origin - ideally to their former homes, their villages, their land. Given those conditions, and on the request of the Governments concerned, UNHCR could help, both in the host country and the country of origin, as it had done in many instances. Unless those conditions were met, the Office could never be associated with any organized repatriation, whether of individuals or groups.

35. On his recent missions to Thailand and the Socialist Republic of Viet Nam, he had raised with the authorities the question of voluntary repatriation. In Thailand he had obtained full agreement on the basic conditions outlined above and assurances that there would be full consultation with UNHCR before any refugee movement plans were implemented. Unfortunately, there were still

obstacles in the way of any major organized repatriation to Kampuchea, which it was not within his competence to remove. Voluntary repatriation to the Lao People's Democratic Republic had also recently run into problems. Every effort was being made to encourage the authorities to continue their efforts to provide a durable solution for refugees for whom no other solution was in sight and who had already waited too long in camps. In the Socialist Republic of Viet Nam, he had been informed that conditions in the country at present precluded the return of significant numbers of refugees, but individual applications would be studied on a case-by-case basis.

36. The possibilities of voluntary repatriation in Central America, especially in regard to Salvadorian refugees in Honduras and Guatemalan refugees in Mexico, had recently been discussed in some quarters. The basic conditions for UNHCR involvement had been repeatedly emphasized in all contacts with the authorities of the countries concerned or with voluntary agencies. In Honduras, the Government had reversed an earlier decision to move Salvadorian refugees away from the border area and would in fact like them to be repatriated. UNHCR, which had insisted that any repatriation must be voluntary, would not abandon those refugees or fail to discharge its mandate of protection and assistance. He was pleased to note that the Mexican authorities had taken steps towards the local integration of Guatemalan refugees in the provinces of Campeche and Quintana Roo. The dream of all refugees, whether in Central America and Mexico or in Asia and Africa was to return home. UNHCR stood ready to provide any assistance required to the refugees, to the countries which had so generously given them asylum and to those which were prepared to welcome them back.

37. Some Governments had already replied to his letter of 5 July 1984 concerning refugee problems in South East Asia, and it seemed quite clear that the situation in that part of the world had reached more manageable proportions, largely due to resettlement and a gradual reduction in the numbers of asylum seekers, although the reduced numbers should not give rise to any complacency. Resettlement alone could obviously not provide a durable solution for all, while voluntary repatriation remained a desirable but so far elusive solution for many. He hoped that other alternatives could be further explored in cases where neither voluntary repatriation nor resettlement were viable options.

38. He had been particularly encouraged during his visit to the Socialist Republic of Viet Nam to witness at first hand the success of the Orderly Departure Programme and to hear from the highest authorities their **commitment** to continue and even further expand that humanitarian endeavour which, in the words of the President of the Council of Ministers "transcends all political, ideological and geographical considerations". He had himself travelled on a plane from Ho Chi Min City to Bangkok with more than 180 persons leaving to join relatives abroad, which was surely a better solution than to run the appalling risks of taking to the high seas in fragile and unseaworthy boats. About 500 a week were now leaving the country in that way; UNHCR would be prepared to provide any additional assistance needed in terms of staff and other facilities, if those figures could be further increased.

39. He had also been greatly encouraged by the conclusion with the Thai authorities of a new arrangement to extend the Anti-Piracy Programme for a further year, and had been heartened by their renewed commitment to bring to justice those who preyed on helpless refugees.

40. He had appealed, in conjunction with the International Maritime Organization, to ship-owners and masters not to turn a blind eye when they encountered a refugee boat in distress, and he urged countries that had not yet done so to commit themselves to the Rescue at Sea Resettlement Offers (RASRO) scheme which went a long way towards relieving the misgivings of the shipping community in regard to rescuing refugees. The Nansen Award Committee had made a most appropriate choice in honouring a Captain and two heroic seamen, thus paying a tribute to all who had given succour to refugees on the high seas.

41. A new refugee situation that had attracted considerable international attention in recent months had been the influx of some 10,000 asylum-seekers into Papua New Guinea from the Indonesian province of Irian Jaya. UNHCR had kept a close watch on the situation, in conjunction with the Papua New Guinea authorities. At the request of the Government of Papua New Guinea, he had made available \$875,000 to cover food, medical and other needs, and the transportation of relief supplies, until the end of 1984. Transportation was particularly important, since the refugees were located in mountainous jungle areas, accessible only by air or on foot, so that supplies had either to be air-lifted or carried by porters. When, as was now the case, refugees concentrated in large groups, the delicate balance between man and nature was upset, and they could no longer fend for themselves. Furthermore, the land tenure system of those tribal peoples, even though they were ethnically related to the host populations, made it difficult to organize measures leading to self-sufficiency quickly and additional assistance would probably be required in 1985. There again, voluntary repatriation would obviously be the best solution once conditions permitted.

42. There had also been a number of new developments in Africa since the Committee had met informally in June. Hundreds of thousands of former exiles had returned to Guinea following the change of Government. At the request of the Government of Guinea, and based on the findings of two UNHCR missions to the country, he had agreed to mount a limited assistance programme valued at \$1.1 million to cover the immediate needs of up to 100,000 rural returnees until the end of 1984.

43. Emergency programmes had also had to be launched following new influxes of refugees into the Shaba province of Zaire, into Swaziland, Zambia and Zimbabwe, as well as increasing numbers in the Gambela/Itang area of Ethiopia. The needs of growing numbers of newly-arrived refugees in both the Sudan and Somalia, and of recent border-crossers from Chad into the Central African Republic were also being assessed as a matter of urgency. Details of those and other new programmes and developments were contained in the most recent periodic letter to delegations issued by the UNHCR Director of Assistance. It was an unfortunate fact that such new refugee situations were an all-too-familiar feature on the troubled African continent. It was clear that in some instances the reasons for those movements went beyond those contained in the refugee definitions in the international instruments. The critical economic and social situation and the severe droughts, which were affecting many African countries, were undoubtedly a contributory factor in some of those new population movements. He had pledged to the Secretary-General of the United Nations the fullest support of UNHCR, within the limitation of its mandate, in the system-wide response of the United Nations to the emergency facing the African continent.

44. He continued to attach considerable importance to preparedness for refugee emergencies and the quality of UNHCR response to such emergencies. Effectiveness in the initial stages had an important, even determinant bearing on subsequent phases of a given operation. Sound information, quick and professional assessment,

ongoing training of UNHCR staff and operational partners, as well as a realistic ability to learn lessons and apply new experience from one situation to the next, were the basic ingredients of over-all effectiveness in refugee emergency situations. He was grateful to the many Governments and institutions which had actively co-operated with UNHCR in that field, and looked forward to further co-operation. He also wished to thank the Spanish Ministry of Foreign Affairs for its recent help in producing the Spanish language version of the UNHCR Handbook for Emergencies.

45. Progress had been made in developing co-operation with other agencies, whether intergovernmental, members of the United Nations system or non-governmental. The climate of mutual confidence with the voluntary agencies had also been strengthened. Information and ideas had been exchanged at a number of meetings, both in Geneva and in the field, on such important emerging concepts as refugee aid and development, an area where new forms of co-operation were being explored, as for example at ICARA II where the voluntary agencies had played a very active part. The warmth of their humanitarian sentiments, their imagination and creativity, and their increasing specialization had made them indispensable in emergencies and also as partners pursuing the common goal of durable solutions to refugee problems.

46. In his opening statement to the Sub-Committee on Administrative and Financial Matters, he had referred in particular to the job classification exercise; he hoped all delegations fully understood the approach adopted to that issue and its practical implications. Implementation of the results would start on 1 January 1985, if the Executive Committee agreed. The proposals for additional staff, all in the field, were absolute minimum requirements for effective implementation of the UNHCR mandate. Developments in the field, although sometimes permitting reductions in staffing levels, at times also dictated increases, if UNHCR's duties and responsibilities to the refugees and to the Committee were to be fulfilled. Several of the Executive Committee member States had in fact repeatedly urged a strengthening of UNHCR presence in different refugee areas. Following long, detailed and very positive negotiations, he had recently been able to appoint a Representative in Algeria and conclude a Branch Office agreement with the Algerian authorities, as requested by the Executive Committee at its previous session. A Chargé de Mission had also been appointed in Teheran, following the conclusion of satisfactory arrangements for implementation of a modest but very necessary programme for Afghan refugees, as outlined in an Addendum to the 1984-1985 Programme (A/AC.96/639/Add.2). The financial implications of both the classification exercise and the staff proposals were within the target for 1985.

47. The Committee might be interested in the following initiatives or reforms aimed at improving UNHCR's management over the past two years. Handbooks on emergencies and procurements had been published and were now standard tools both at Headquarters and in the field; the Programme Management System had been improved, especially in regard to reporting on projects, by the introduction of the self-evaluation system; progress had been made on obligation rates and on the transition from care and maintenance to durable solutions; the Specialist Support Unit had been strengthened with more experts to look into project feasibility, and guidelines had been issued on the use of NGOs as implementing partners. In the sphere of administration and staffing, a UNHCR manual had been issued, defining responsibilities at all levels at Headquarters and in the field, the field office Administrative and Financial Instructions had been revised, job descriptions had been prepared, all professional posts at

Headquarters and in the field had been classified, standard assignment lengths had been introduced for all duty stations, to permit more systematic rotation of staff, and more systematic attention had been paid to career promotion and training and improvements made in field service conditions (an area in which UNHCR had been something of a pioneer). A Director for Field Affairs had been appointed, whose report was one of the items on the Committee's agenda.

48. The funding of UNHCR programmes had become more difficult in 1984 and the prospects for 1985 were even more problematical. He wished to express his very great appreciation of the positive helpfulness and understanding support which UNHCR had received from donors in the past, especially in 1984. Despite budgetary and other problems, many donors had made very significant increases in the level of their national currency contributions to UNHCR in 1984, increases which had however been offset by the strong dollar. The tremendous proof of support and the generosity of donors gave hope for the future and provided a basis on which to work together to solve UNHCR's serious funding problems. Further contributions were needed to meet the 1984 General Programme requirements, and the funding problem would become more difficult in 1985. Even though the dollar target was only slightly higher in 1985 than in 1984, substantial extra contributions would undoubtedly be needed due to a progressive decline in the different sources of income. Nevertheless, close co-operation would enable the problems to be solved and refugees to receive the help they needed and deserved.

49. Throughout the years, the United Nations had been able to help millions of refugees start a new life. That had been possible because UNHCR had remained a humanitarian and non-political organization in accordance with the decision taken when the Statute had been adopted 33 years ago. It was to the credit of United Nations Member States - and especially member States of the Executive Committee - that the line had been maintained through the years, enabling the Executive Committee to take decisions on the programme by consensus and to approach the humanitarian task it had been set without being blinded by political considerations. That was why the same spirit had prevailed in the Third Committee of the General Assembly in New York, so that the Report of the High Commissioner had been approved year after year without a vote. It was in his view absolutely essential to maintain that line, difficult though it was, because everything in the United Nations, where so many States had to work together, was politicized, and because all refugee problems certainly reflected political problems. Any attempt to politicize problems and to try to compromise and bargain between States or groups of States would deprive UNHCR of its ability to act - and the refugees would be the victims. It was the honour, the spirit and the soul of UNHCR's work for refugees that it was acknowledged to be purely humanitarian. It was like a precious jewel, not to be tarnished.

The meeting rose at 1 p.m.