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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONERS'S PROGRAMME

Thirty-sixth session

SUMMARY RECORD OF THE 399th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 October 1985, at 3 p.m.

Chairman: Mr. CHIBA (Japan)

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The meeting was called to order at 3.30 p.m.

ADOPTION OF THE DRAFT REPORT OF THE THIRTY-SIXTH SESSION (agenda item 15)
(continued)

Document A/AC.96/XXXVI/CRP.2/Rev.1

1. Mr. MTANGO (United Republic of Tanzania), Rapporteur, read out the amended version of paragraph 14 which had been prepared as a result of consultations.
2. The CHAIRMAN said that, if he heard no objection, he would take it that paragraph 14 was adopted.
3. It was so decided.
4. Mr. HELDRING (Netherlands) proposed that, in the penultimate line of paragraph 33 (o), the words "if this fails" should be added between the word "and" and the words "the provision". His delegation had already proposed a similar amendment during the consideration of the section of the draft report on durable solutions and had agreed at that time to the compromise solution proposed by the Australian delegation.
5. The CHAIRMAN pointed out that the words "when this is not possible", which already appeared in paragraph 33 (o), seemed to convey almost the same idea.
6. Mr. ROBERTSON (Australia) suggested that, in order to take account of the proposal by the representative of the Netherlands, the word "and" should be replaced by the words "or, failing this,".
7. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that, apart from a slight shade of meaning, the present wording of paragraph 33 (o) was identical with the wording adopted by the Sub-Committee on International Protection.
8. Mr. HELDRING (Netherlands) said that his delegation would nevertheless like the amendment to be adopted in the form suggested by the Australian delegation.
9. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that the text would be amended accordingly.
10. Mr. JOHNSON (United States of America) said that, on the previous day, his delegation had submitted several written amendments to paragraph 13 which had unfortunately not been incorporated in the revised version of the draft report. The first amendment had been to add the words "One speaker said that ..." at the beginning of the third sentence of paragraph 13 in order to make the text less anonymous; his delegation had been the one to make that statement.
11. He also pointed out that the next sentence in the same paragraph gave the impression that the attacks in question had been condemned by an overwhelming majority of the participants and that only a few had expressed different views. The position was actually the exact opposite. The word "Many" should therefore be replaced by the word "Some" or the words "whereas many" should be added before the word "others" in the second part of the sentence.

12. Mrs. KSENTINI (Algeria) said that, in her view, the second sentence to which the representative of the United States had referred was very well balanced and properly reflected the statements on the subject of military attacks made during the general debate.
13. Mr. ALLAGHI (Observer for the Libyan Arab Jamahiriya) proposed that the wording of paragraph 13 should be retained as it stood in the revised draft report; he saw no reason to amend a paragraph which reflected the views of the majority of representatives.
14. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that paragraph 13 was one with which the greatest care had been taken during preparation of the draft report and that it was an exact reflection of the trends noted during the general debate.
15. With regard to the first sentence referred to by the representative of the United States, several delegations had said that goodwill was one of the requirements for an agreement and several had also mentioned the year 1981. As a compromise, however, he himself would suggest that the words "Several speakers said that" should be added at the beginning of the sentence.
16. The next sentence also reflected the comments made during the general debate and was already a compromise text. He therefore appealed to the representative of the United States to accept his suggestion concerning the first sentence and not to press for the amendment of the second.
17. Mr. JOHNSON (United States of America), referring to the first point he had raised, said he remembered that one delegation in particular had made the statement in question; the problem was, in any event, mainly one of a drafting nature. He would accept the Rapporteur's proposed solution as a compromise.
18. The same was, however, not true of the second sentence, to which his delegation could not agree as it now stood, for, although many delegations had condemned those attacks, it was wrong to say that many others had rejected that approach. That sentence therefore had to be better balanced, as his delegation had proposed.
19. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that he was not in principle opposed to any particular solution, but his analysis of the facts appeared to be different from that of the United States delegation. The Executive Committee therefore had to find some common ground. As a compromise, he suggested that the two parts of the sentence should begin with the words "A number of speakers" and the words "a number of other speakers", respectively.
20. Mr. JOHNSON (United States of America) agreed to the proposed solution.
21. Mr. RMIKI (Morocco) said that his delegation would like the draft report on the general debate to include a new paragraph 26, which he read out and which reflected the statement made by his delegation during the debate.

22. The CHAIRMAN asked the representative of Morocco why he wished his amendment to be included at that particular point in the draft report.

23. Mr. RMIKI (Morocco) explained that the amendment reflected the content of the statement made by his delegation during the general debate. It should therefore appear in the part of the report under consideration, even though the statement had related to international protection. His delegation would be prepared to leave it to the Rapporteur's discretion to decide where the amendment should appear in the report.

24. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that, during the preparation of a draft report, efforts were made not to refer specifically to statements by particular delegations, but, rather, to summarize all the statements made, attributing them, as appropriate, to a number of delegations, some delegations or one delegation, but always anonymously.

25. As to substance, he considered that the reference in paragraph 26 to the "humanitarian and non-political" work of the Executive Committee reflected more or less the same idea as the Moroccan amendment. He therefore requested the representative of Morocco to accept paragraph 26 as it stood in order to avoid another lengthy discussion.

26. Mr. RMIKI (Morocco) said that his delegation agreed to withdraw its amendment.

27. Mr. DOWEK (Israel) proposed that the first three lines of paragraph 33 (p) should be replaced by the content of paragraph 63.1 (g) of document A/AC.96/XXXVI/CRP.4/Rev.1, which had already been adopted and referred to paragraph 3 of General Assembly resolution 39/140. The rest of paragraph 33 (p) would remain unchanged.

28. Mr. MTANGO (United Republic of Tanzania), Rapporteur, referring to the amendment proposed by the representative of Israel, said that paragraph 33 (p) had already been considerably watered down. That proposal had, moreover, already been reflected in another part of the report and he appealed to the representative of Israel to show a spirit of compromise.

29. Mr. DOWEK (Israel) said that, if the Executive Committee started listing every refugee situation, it could go on endlessly. In his view, it would be preferable to use more general wording, as had, moreover, been done during the debate on international protection.

30. In addition to the amendment which he had read out, he would like the words "the prevention of" to be inserted between the words "relating to" and the words "such attacks".

31. Mr. QIAN Jiadong (China) said that the General Assembly was not alone in having expressed its deep concern about armed attacks on refugee camps: many delegations had also stated that they were concerned about that problem. If paragraph 33 (p) were amended, it would no longer reflect the debates which had taken place in the Executive Committee.

32. Mr. ALLAGHI (Observer for the Arab Libyan Jamahiriya) said that the issue was not one of "preventing" attacks against refugee camps, but of genuinely prohibiting them. Concern must also be expressed about persistent serious violations of

refugee rights - a very pertinent point indeed. His delegation therefore rejected the proposal by the representative of Israel.

33. Mrs. KSENTINI (Algeria) said that she also rejected the Israeli proposal and would like paragraph 33 (p) to be retained as it stood or even strengthened by the inclusion of a reference to "an agreement on the principles relating to the prohibition of those attacks".

34. Mrs. JACKDEN (Nigeria), Mr. EL MOTASIM ELSHEIKH (Sudan), Mr. EL HAFDHI (Tunisia), Mr. SHAFII (Iran), Mr. BEHHIMA (Morocco), Mr. FERREIRA MARTINS (Observer for Angola), Mrs. DJORDJEVIC (Yugoslavia), Mr. CASTELLON DUARTE (Nicaragua) and Mr. SIMUMBA (Observer for Zambia) supported the view of the Chinese delegation that paragraph 33 (p) should be retained as it stood.

35. Mr. DOWEK (Israel) said that, since so many delegations objected to his proposal, even though they did not all have objective reasons for doing so, he would agree to the retention of paragraph 33 (p) as it stood, provided that paragraph 33 also included another subparagraph, which would read: "The Executive Committee also expressed its deep conviction that refugee camps and settlements should be used exclusively for humanitarian purposes".

36. Mr. QIAN Jiadong (China) said it seemed to him that the Executive Committee had considered the question on other occasions, but not during the general debate. It was a very controversial matter on which the Committee would not be able to reach agreement; it would be better to deal with it during the consideration of the section of the report relating to military attacks on refugee camps.

37. Mr. DOWEK (Israel) said that he could agree to a reference to "principles relating to the prohibition of those attacks". He did not, however, see why the protection of refugee camps should be a controversial matter.

38. Mr. JOHNSON (United States of America) said that the proposal by the representative of Israel reflected a fundamental principle which should be of concern to UNHCR and he saw no reason why it should be controversial. It could be asked for what other purposes refugee camps might be used. As a compromise, the Executive Committee might agree to take account of the basic principles embodied in that proposal in the section of the report dealing with international protection.

39. Mr. QIAN Jiadong (China) denied that he had thought or said that the protection of refugees was a controversial matter. He had simply meant that, if paragraph 33 (p) was included in the section of the report relating to the general debate, it might give rise to different interpretations, some of which might be unfortunate. The question should be considered under another agenda item.

40. Mr. DOWEK (Israel) said that he maintained his proposal and recalled that he had suggested that the new subparagraph did not have to be added to paragraph 33 (p), paragraph 33 (p), but could be inserted wherever the Executive Committee liked.

41. Mr. MTANGO (United Republic of Tanzania), Rapporteur, suggesting a solution which would take account of the proposal by the representative of Israel, said that, in paragraph 33 (n), the words "including those in refugee camps and settlements" might be added after the words "of concern to his Office".

42. Mr. DOWEK (Israel) said that he would like the emphasis to be placed on the purely humanitarian character of refugee camps and settlements, rather than on that of UNHCR's activities, but, in a spirit of compromise, he would be prepared to accept the suggested wording, while reserving the right to raise the matter again during the consideration of the section of the report dealing with international protection.

43. Mr. MTANGO (United Republic of Tanzania), Rapporteur, suggested that, in order to take account of an amendment proposed by the representative of Canada, the word "equitable" should be added before the word "burden-sharing".

44. At the invitation of the Chairman, Mr. MTANGO (United Republic of Tanzania), Rapporteur, summarized all the amendments to document A/AC.96/XXXVI/CRP.2/Rev.1.

45. Document A/AC.96/XXXVI/CRP.2/Rev.1, as amended, was adopted.

Document A/AC.96/XXXVI/CRP.9/Rev.1

46. The CHAIRMAN said that the Moroccan delegation had proposed an amendment to paragraph 10 of document A/AC.96/XXXVI/CRP.9/Rev.1 and that, as a result, the Algerian delegation had requested that paragraph 9 should be amended as well.

47. Mr. LUKE (Secretary of the Executive Committee) read out the new paragraph 9:

"The representative of Algeria expressed his thanks to the High Commissioner, his Director of Assistance and all those who had contributed to the production of the high-quality documentation and who, within the framework of their respective duties, had made possible the work that had been accomplished. He underlined the exemplary co-operation which existed between his Government and UNHCR which had recently manifested itself again by the opening of a permanent UNHCR presence at Algiers. With regard to UNHCR assistance in Algeria, he noted that particular stress was placed on the implementation of self-sufficiency projects for the benefit of the Sahrawi refugees. The amount of such assistance represented, however, only a small proportion of the efforts made by Algeria which, incidentally, contributed fully to the optimum utilization of that assistance. The reports of regular field missions and document A/AC.96/657 confirmed that assessment. In reply to the criticisms of one delegation, the representative of Algeria regretted that the activities, objectivity and impartiality of UNHCR should have been questioned. The replies that various UNHCR officials had been induced to give had spared his delegation the trouble of making unnecessary statements. Those replies were such as to remove any misunderstanding, the more so as it was open to any delegation to visit the area and evaluate the situation, needs and deepest aspirations of the Sahrawi refugees. For its part, the Algerian delegation approved of all the conclusions of and communications by UNHCR. Moreover, UNHCR assistance to the Sahrawi refugees which had been included in the General Programmes in 1980, continued to be endorsed by the Executive Committee which was fully informed concerning the relevant matters. As for the question raised by the same delegation on the subject of voluntary repatriation, the representative of Algeria considered that, as in the case of all refugees, that was the most satisfactory situation but that it still depended on the causes underlying the Sahrawi refugee situation. The same delegation continued to set out its thesis, putting forward the same twisted data and the same erroneous arguments. The political debate on those causes

took place in other more appropriate forums. The Algerian representative reiterated the commitment of his country to pursue its co-operation with the High Commissioner and left it to the wisdom of the Executive Committee to apply to all refugees in all circumstances the traditions of work of the Committee and the humanitarian principles of UNHCR."

48. Paragraph 10 would not be amended, except for the end of the text, which would read:

"... He requested again that the High Commissioner comply fully with his humanitarian mandate. He expressed reservations on the subject of a request for an allocation of \$3,522,000, since he was unwilling to endorse an operation of assistance to persons who were supporting, financing and arming aggression against his country. He nevertheless renewed his country's commitment to continue to co-operate with UNHCR for the promotion of authentically humanitarian solutions."

49. Mr. ROBERTSON (Australia) said that his delegation had difficulties with paragraph 34, part B, subparagraph (b), whose meaning was not entirely clear. If the aim was to introduce greater flexibility in the choice of criteria for the admission of refugees, his delegation would prefer the following wording: "appealed to Governments to facilitate the admission of refugees by flexible application of criteria and by clearly distinguishing between refugees in need of resettlement and ordinary immigrants".

50. Mr. MTANGO (United Republic of Tanzania), Rapporteur, suggested that the amendment by the Australian delegation might be changed slightly by adding the words "in providing resettlement opportunities" after the word "criteria".

51. Mr. ROBERTSON (Australia) said that his delegation could accept the Rapporteur's suggestion.

52. Document A/AC.96/XXXVI/CRP.9/Rev.1, as amended, was adopted.

Document A/AC.96/XXXVI/CRP.4/Rev.1

53. The CHAIRMAN said that apart from minor drafting amendments, paragraphs 1 to 63 of document A/AC.96/XXXVI/CRP.4/Rev.1 remained unchanged.

54. Mr. DOWEK (Israel) proposed that paragraph 63, part (1), subparagraph (g), should be followed by a new subparagraph, which would read: "recalled in this connection the principles laid down in the OAU Convention governing specific aspects of refugee problems in Africa". His delegation, which held OAU and Africa in general in high regard, endorsed all the principles embodied in that Convention.

55. Mr. MTANGO (United Republic of Tanzania), Rapporteur, said that, since he came from a member country of OAU, he would be very pleased if reference was made to the OAU Convention. It was nevertheless not clear why the Israeli delegation now wished to refer to principles which had been mentioned in so many of the Executive Committee's documents over the years. He therefore urged the Israeli delegation not to press for the inclusion of that new subparagraph in a text which had been negotiated with great care and was well balanced as it now stood.

56. Mrs. KSENTINI (Algeria) said that, as a member of OAU and a party to the 1969 Convention, her country hoped that those who referred to that Convention would show greater respect for the principles it embodied. Since the perpetrators of military and armed attacks on refugee camps and settlements were not members of OAU, there was no need to mention that Convention.

57. Mr. ALLAGHI (Observer for the Libyan Arab Jamahiriya), supported by Mr. EL MOTASIM ELSHEIKH (Sudan), said that there was no reason to refer specifically to a regional convention; otherwise, it would also be necessary to refer to dozens of conventions and treaties, such as those of the European Economic Community, the Council for Mutual Economic Assistance, etc. The proposal before the Executive Committee had moreover, been made by a State which was not a member of OAU and which therefore had no competence in that regard.

58. Mr. KELLEY (United States of America) said that many of the Executive Committee's documents contained decisions and conclusions which reproduced wording used previously. Since paragraph 63, part (2), referred to the Cartagena Declaration and to regional approaches, his delegation could see no reason for rejecting the Israeli proposal.

59. Mr. MTANGO (United Republic of Tanzania), Rapporteur, drew the attention of the representative of Israel to the fact that, at his request and in a spirit of compromise, a reference to the OAU Convention had been included in paragraph 13 of document A/AC.96/XXXVI/CRP.2/Rev.1. The Israeli delegation might wish to show the same understanding and withdraw its current proposal.

60. Mr. DOWEK (Israel) said that the reference to the OAU Convention in paragraph 13 of document A/AC.96/XXXVI/CRP.2/Rev.1 had not been a compromise solution, but, rather, a faithful reflection of the statement his delegation had made on that subject. In proposing an amendment to paragraph 63 of document A/AC.96/XXXVI/CRP.4/Rev.1, his delegation was being consistent. It would, moreover, be interesting to know why some African countries appeared to be ashamed of the OAU Convention, when, in fact, they should take the reference to that Convention as a compliment.

61. The CHAIRMAN said that consultations would be held on pending matters.

The meeting rose at 6 p.m.