

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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of the United Nations High Commissioner for Refugees
on the work of its thirtieth session
(Geneva, 8-16 October 1979)

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REPORT OF THE EXECUTIVE COMMITTEE OF THE PROGRAMME OF
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES ON
THE WORK OF ITS THIRTIETH SESSION*
(Geneva, 8-16 October 1979)

I. INTRODUCTION

1. The Executive Committee of the Programme of the United Nations High Commissioner for Refugees held its thirtieth session from 8 to 16 October 1979 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. S. Hessel (France)
Vice-Chairman: Mr. O. Y. Birido (Sudan)
Rapporteur: Mr. V. Jayanama (Thailand)

B. Representation on the Committee

3. The following States members of the Committee were represented at the session:

Algeria	Lesotho
Argentina	Madagascar
Australia	Morocco
Austria	Netherlands
Belgium	Nicaragua
Brazil	Nigeria
Canada	Norway
China	Sudan
Colombia	Sweden
Denmark	Switzerland
Finland	Thailand
France	Tunisia
Germany, Federal Republic of	Turkey
Greece	Uganda
Holy See	United Kingdom of Great Britain and Northern Ireland
Iran	United Republic of Tanzania
Israel	United States of America
Italy	Venezuela
Japan	Yugoslavia
Lebanon	Zaire

* Previously issued under the symbol A/AC.96/572.

4. The Governments of the following States were represented by observers:

Angola	Malaysia
Bangladesh	New Zealand
Botswana	Pakistan
Burundi	Peru
Chile	Philippines
Cuba	Poland
Cyprus	Portugal
Djibouti	Qatar
Egypt	Romania
Ethiopia	San Marino
Honduras	Senegal
Indonesia	Somalia
Iraq	Spain
Ireland	United Arab Emirates
Kenya	Viet Nam
Lao People's Democratic Republic	Yemen
Luxembourg	Zambia

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 Children's Fund (UNICEF)
United Nations Development Programme (UNDP)
World Food Programme (WFP)
United Nations Volunteers programme (UNV)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
Inter-Governmental Maritime Consultative Organization (IMCO)

6. The following intergovernmental organizations were represented by observers:

Commission of European Communities
Intergovernmental Committee for European Migration (ICEM)
Islamic Conference
League of Arab States
Organization of American States
Organization of African Unity (OAU)

7. The following were also represented at the meeting:

African National Congress of South Africa
Pan Africanist Congress of Azania
South West Africa People's Organization
Zimbabwe African National Union
Zimbabwe African People's Union

C. 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.96/562/Rev.3).
 3. Statement by the High Commissioner and general debate (A/AC.96/INF.150 and Add.1 and A/AC.96/INF.158).
 4. International protection (A/AC.96/567, A/AC.96/571, A/AC.96/INF.152/Rev.1 and A/AC.96/INF.159).
 5. Voluntary funds accounts for 1978 and report of the Board of Auditors (A/AC.96/563 and Add.1).
 6. UNHCR assistance activities (A/AC.96/564 and Corr.1 and Add.1, A/AC.96/568 and A/AC.96/570).
 7. Establishment of a UNHCR fund for durable solutions (A/AC.96/569).
 8. Status of contributions and over-all financial situation for 1979 and 1980 (A/AC.96/565 and A/AC.96/566).
 9. Any other questions.
 10. Consideration of the draft report on the session.

II. STATEMENT BY THE HIGH COMMISSIONER AND GENERAL DEBATE

A. Statement by the High Commissioner 1/

9. The High Commissioner began his statement by recalling the prominent place which refugees and displaced persons had come to occupy in world affairs, and stressed the fundamental role of the Executive Committee in assisting the Office of the United Nations High Commissioner for Refugees (UNHCR) to review the problems with which it was faced and to define long-term policy and objectives. He then went on to speak of two events of the past year which had contributed significantly to advancing humanitarian efforts in favour of the needy.

10. The first of these events had been the Conference on the Situation of Refugees in Africa held at Arusha, United Republic of Tanzania, from 7 to 17 May 1979, the results of which would contribute substantially to shaping the work of UNHCR in Africa. Both at Arusha and at the subsequent sessions of the Council of Ministers and the Assembly of Heads of State and Government of OAU, held at Monrovia in July 1979, African leaders had strongly demonstrated their understanding of the African refugee problem and their willingness to provide all possible assistance. The peoples of the continent too were offering generous and sympathetic support. The second event was the United Nations Meeting on Refugees and Displaced Persons in South-East Asia, held at Geneva on 20 and 21 July 1979, which had considered a problem which had assumed appallingly tragic proportions. It had produced practical results in terms of funds, resettlement offers and proposals concerning refugee processing centres and rescue at sea. With a view to maintaining the momentum generated by the Meeting, UNHCR had subsequently been active, or had initiated activity, on various fronts. The High Commissioner also recalled that a programme for the orderly departure from Viet Nam of "family reunion and other humanitarian cases" had commenced the previous June, under the terms of a Memorandum of Understanding concluded with the Government of Viet Nam on 30 May 1979.

11. In the course of the decade which was drawing to a close, the High Commissioner said, the responsibilities of UNHCR had undergone a substantial change, and the diversity and magnitude of special tasks entrusted to the Office for the benefit of large numbers of refugees and displaced persons in many countries had been unprecedented. Despite the progress, however - and it should not be forgotten that large numbers of people had been enabled to start a new life and become self-sufficient - there was no end in sight to a problem which had become more universal than ever. In countries in Africa, Asia, the Americas and indeed in Europe, refugees continued to arrive, and displaced persons continued to require large-scale assistance, not to mention those cases where UNHCR was called upon to assist with the voluntary repatriation and subsequent rehabilitation of erstwhile refugees. So it was in the midst of a very demanding situation that UNHCR would enter upon a new decade, and there was no knowing what the following years would bring. Most certainly, however, UNHCR would have to be constantly prepared to adapt to circumstances and must be given the means to act.

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

12. Turning to the function of international protection, the High Commissioner emphasized the need for the strict observance of the principles of asylum and non-refoulement, and pointed out that, in exercising this function, UNHCR drew its strength not only from its Statute but also from universally recognized humanitarian principles. The High Commissioner said he was encouraged by further accessions to international instruments concerning refugees, by recent cases of large-scale voluntary repatriation, and by progress made in the field of family reunification with the co-operation of Governments concerned. In addition, the Sub-Committee of the Whole on International Protection had increasingly proved itself to be an instrument for strengthening and promoting refugee rights.

13. Referring to resettlement opportunities, the High Commissioner went on to say that the need, in terms of numbers, had never been so pressing for those, primarily in South-East Asia, who could not be repatriated or settle in countries of asylum.

14. The High Commissioner then voiced his deep concern regarding the financial requirements currently foreseen for 1980, amounting to some \$233 million. Never before had it been so important that Governments pledge contributions as early as possible; he also appealed in the interests of maximum operating flexibility for as few earmarked contributions as possible, in order to ensure that all refugee situations received equal benefit.

15. Touching briefly on the administration of his Office, the High Commissioner said that, with the considerable increase in activities, his staff had doubled over the past five years and involvement in implementation of programmes had become more operational. In such circumstances, flexibility was essential. With regard to administrative costs, they ought to be carefully apportioned between the regular budget of the United Nations and voluntary funds; however, the regular budget was determined by constraints unrelated to the needs of refugees.

16. UNHCR was constantly engaged in the search for new avenues which would facilitate lasting solutions for the greatest possible part of the case-load with which it was concerned. In that context, the High Commissioner said that he looked forward to receiving the guidance of the Committee when it discussed the proposed creation of a fund for durable solutions.

17. The High Commissioner paid tribute to the support provided by the non-governmental organizations represented at the meeting, to the unfailing collaboration of the Intergovernmental Committee for European Migration and to the assistance provided by the members of the United Nations system, including, in the International Year of the Child, the secretariats in Geneva and New York.

18. In conclusion, the High Commissioner said that he was aware of the need to adapt to circumstances as appropriate and would be receptive to any guidance offered by the delegates. Some refugee situations received more publicity than others. As a result some refugees might feel forgotten and lose hope, but those who were there to help refugees must not become discouraged; they should find faith in the fact that past efforts had not been in vain.

B. General debate

19. Speakers paid warm tribute to the High Commissioner and to his staff for their continuing efforts and devotion to the cause that they served, and for their demonstrated success, particularly in the face of the recent, unprecedented expansion and complexity of the tasks facing them. It was to be regretted that, in spite of their labours, refugee problems had become even more widespread. Tribute was paid to all those organizations and bodies, international and national, which co-operated so unfailingly with the Office of the High Commissioner. Speakers also took the opportunity of reassuring the High Commissioner of their fullest support in the future.
20. The nine additional members of the Executive Committee were welcomed as they took their seats following their election to the Committee by the Economic and Social Council at its second regular session of 1979, in July (Economic and Social Council decision 1979/52). It was generally agreed that the representatives of the countries concerned (Argentina, Finland, Japan, Lesotho, Morocco, Nicaragua, the Sudan, Thailand and Zaire) would have much to offer to the work of the Executive Committee in bringing new ideas and greater universality to the problems to be discussed.
21. In the debate, particular emphasis was placed on the magnitude of the refugee problem, which had attained unprecedented proportions in the year since the twenty-ninth session of the Committee. Fears were expressed in respect of certain developing situations. It was stressed that, as in the past, the nature of the situation called for the most equitable participation by the entire international community in the search for solutions to the problems existing in all parts of the world. It remained disappointing for the traditional donor countries that their contributions still represented such a large proportion of the High Commissioner's financial resources.
22. There was general reaffirmation of the fundamental character of the function of international protection, for without protection there could be no immediate assistance or durable solutions for those in need. Given the extent of the refugee problem as it had evolved, it had become more important than ever to encourage accession to basic international instruments concerning refugees, particularly the 1951 Convention ^{2/} and the 1967 Protocol relating to the Status of Refugees, ^{3/} especially in areas where there were still few or no countries who were parties thereto. It was equally important that efforts be made to promote internal implementing legislation and practices in application of those instruments, and furthermore that consideration be given to all means of improving standards in the field of humanitarian protection. It was recognized that, in the case of a mass influx of persons into a country or countries, the response required to promote international protection must extend beyond the grant of asylum or temporary refuge to include international co-operation in immediate assistance to the persons concerned and in the search for durable solutions, in order to lighten the burden on the receiving State or States. In that connexion, speakers paid tribute to the humanitarian contribution made by those countries that had taken in large numbers of persons in distress and had accorded them refuge - generally developing countries that could least afford to do so - and by those countries offering resettlement opportunities for durable solutions.

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

^{3/} Ibid., vol. 606, No. 8791, p. 267.

23. Speakers referred to the Conference on the Situation of Refugees in Africa, held at Arusha in May 1979, as a significant event of the past year. The Conference had shown that there existed in Africa the will to continue the traditional policy of hospitality and to make the utmost efforts to provide lasting solutions to refugee problems. It was frequently pointed out in the course of the debate that Africa was the continent with the largest number of refugees, and that the response provided by the African countries contained many elements that were a fine example to the countries of other continents.
24. The Committee was addressed by His Excellency, Mr. Abel Alier, Vice-President of the Sudan, who conveyed to the delegates the support of his Government for the humanitarian tasks entrusted to the Committee. He made reference to his country's close acquaintance with refugee problems and informed the Committee that he had placed special weight on the question of refugees in his recent address to the General Assembly of the United Nations. The Vice-President joined other speakers in referring to the desirability of finding solutions to the root problems which gave rise to refugee situations. He then said that the Sudan placed high hopes in regional and international efforts such as the pan-African Conference at Arusha. He supported the High Commissioner's proposal to create a fund for durable solutions as timely and appropriate in meeting the refugee burden borne by poor countries who could ill afford to do so. He further suggested the establishment of a consultative ad hoc committee for finding appropriate solutions to the problems of refugees in Africa. As regards the refugees in the Sudan, the Vice-President went on to say that his country intended to tackle all the problems of the situation, for the well-being of the refugees as well as for the over-all security of the country. 1980 would be a year devoted to refugee problems in the Sudan, with a world-wide appeal being launched for funds. The Vice-President paid tribute to the international community's work to alleviate the sufferings of refugees and concluded by calling upon the Executive Committee to intensify its efforts.
25. The observer from OAU made a statement concerning that organization's efforts to resolve refugee problems in the continent. He referred to the success of the Arusha Conference and expressed appreciation for the contribution made by the sponsors. He said that as a result of a reorganization of the Bureau for the Placement and Education of African Refugees he was confident that that body would find its effectiveness enhanced.
26. Observers from the African National Congress of South Africa, the South West Africa People's Organization and the Zimbabwe African People's Union also made statements on behalf of their movements, which included expressions of appreciation for the assistance provided to refugees under their auspices by UNHCR and other donors, and of hope that aid would continue to be forthcoming.
27. Speakers recognized that, in the recent past, the situation in South-East Asia had been brought into the limelight by the coverage that it had received from the media, but they urged that the High Commissioner should maintain a balanced view of refugee situations throughout the world. In that context, representatives and observers from African countries expressed the view that the level of assistance provided in Africa should be increased in consideration of the large numbers of refugees and displaced persons on the continent and the burden that they represented for the receiving States.
28. With regard to the situation of refugees and displaced persons in South-East Asia, speakers expressed satisfaction with the results of the Meeting that had

taken place at Geneva the previous July and with the measures taken since. They emphasized that the momentum resulting from that meeting must be maintained to ensure the urgent action required by the gravity of the situation to avoid a new wave of refugees. They furthermore expressed the wish that the Government of Viet Nam fulfil all the obligations which it undertook at the July Meeting and carry out, in co-operation with the High Commissioner, the seven-point Memorandum of Understanding concerning orderly departures. They also expressed the hope that countries of first refuge, as well as countries of resettlement, would continue to provide UNHCR with their fullest co-operation.

29. Speakers appealed for more countries to open their doors and assist in the international efforts to raise the number of resettlement opportunities to the level required by the case-load of many hundreds of thousands of distressed persons languishing in countries and areas of first refuge. The representative of Argentina recalled that his country had begun to participate in the resettlement of refugees from South-East Asia. Speakers re-emphasized the importance of strictly observing the international obligations concerning the rescue at sea of persons in distress. The Geneva meeting had shown that the international community had the capacity to launch the measures demanded by the situation.

30. The representative of Thailand reported that, in addition to the large number of Indo-Chinese displaced persons already in his country, it was expected that renewed fighting in Democratic Kampuchea would produce a new mass influx into Thailand. He called upon the international community, inter alia, to help resettle displaced persons already in camps and to prevent tragedy on a massive scale by calling for an end to the fighting in Democratic Kampuchea.

31. Certain speakers recognized that in South-East Asia, as in other refugee situations, the causes lay in political circumstances and in the disregard of basic human rights, and they therefore expressed the view that those subjects should, as a matter of urgency, be discussed in the appropriate forums of the United Nations system, in particular at the thirty-fourth session of the General Assembly. They recalled that the function of the High Commissioner was of a strictly humanitarian character.

32. Speakers were pleased to note the encouraging developments regarding the case-load of refugees in central and south America. Although the residual problem of resettlement cases had been alleviated, opportunities would still be required for the continued influx of refugees in certain countries. Voluntary repatriation had become a possible alternative solution.

33. With regard to the numbers of refugees arriving in Europe, the Committee heard statements confirming the High Commissioner's remark in his introduction that these were on the increase, both from within the continent and from other continents. Speakers from various countries took the opportunity to provide information on the continuing contributions being made by their countries to UNHCR assistance programmes and operations throughout the world. Other representatives and observers described refugee developments in their own countries. The statements referred to continuing needs, as well as to situations where durable solutions had proved possible.

34. In referring to the question of displaced persons in Cyprus, the Greek and Turkish representatives stressed 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 the task. Appreciation and gratitude were expressed for the generosity of donor countries in their assistance to all displaced persons in Cyprus.

35. The representative of Greece expressed appreciation to the High Commissioner and referred to the 200,000 displaced persons in Cyprus who were once a peaceful and prosperous population. He said that those persons should be helped until they were allowed to return to their homes and their lands in accordance with United Nations resolutions. Although the Government of Cyprus used economic and humanitarian assistance in the best possible manner, further external assistance was necessary to meet the needs of the displaced persons.

36. The representative of Turkey expressed appreciation that humanitarian assistance was provided to the Turkish Cypriot community as well as to the Greek Cypriot community. He said that the other side should also have referred to that fact and stated that the relief given directly to the Turkish Cypriot community, numbering some 80,000 displaced persons, was contributing substantially to the fulfilment of their needs. On behalf of his delegation he commended the High Commissioner for his impartial and non-political approach.

37. The Committee heard a statement by the observer from the Islamic Conference (the Representative of Saudi Arabia to the Permanent Council of the Islamic Solidarity Fund) who informed the meeting that the Conference shared the same views which inspired the Committee's actions and that it wished to establish close co-operation with the High Commissioner with a view to arriving at effective solutions. He added that the Conference was extremely concerned at the increase, particularly in developing countries, in the number of persons for whom solutions had to be found. He also echoed other speakers in referring to the basic question of human rights and to the example of the Arusha Conference.

38. Observers from the Intergovernmental Committee for European Migration, the Inter-Parliamentary Union, International Council of Voluntary Agencies and the League of Red Cross Societies also speaking on behalf of the International Committee of the Red Cross (ICRC), made statements outlining their work on behalf of refugees and the measure of co-operation which existed between their organizations and UNHCR. They assured the High Commissioner of their continuing, full co-operation.

39. Many representatives and observers commented on the High Commissioner's proposal to create a fund for durable solutions. In general, the initial reaction to the concept was favourable, although some reservations were expressed. Speakers looked forward to a full discussion of the proposal under the relevant item of the agenda.

40. As regards staffing, it was agreed that the High Commissioner must have the maximum flexibility to discharge his functions. Some representatives suggested that consideration be given to an appropriate strengthening of staff in the field. Several representatives and observers urged the High Commissioner to continue to seek an equitable geographical distribution amongst his staff. They were of the opinion that the Office would benefit from employing staff possessing regional affinities with the persons to be assisted.

41. Prompted by the magnitude and complexity of the tasks facing the High Commissioner and conscious of the gradual extension of his activities over the years, some representatives wondered whether it would not be opportune to review his mandate and his methods of operation in order to adapt them to existing circumstances. Other suggestions put forward related to the establishment of committees or sub-committees to be concerned with various aspects of the Office, so that the Executive Committee might be more closely informed about and associated with the functioning of the Office between sessions.

42. In responding to those points, at the end of the debate, the High Commissioner stated that he was grateful for the constructive manner in which they had been voiced. Some of them were quite far-reaching and deserved further study. He said that he would welcome more frequent contacts with the members of the Committee, whether specifically on management and financial matters or in general. As the Committee was aware, informal meetings, once or twice a year between regular sessions, were already customary.

Decision of the Committee

43. The Executive Committee

A

(a) Welcomed the presence of the nine new members of the Committee;

(b) Expressed appreciation of the opening statement by the High Commissioner in which he reviewed existing refugee situations, which had reached vast proportions and great diversity, as well as the considerable efforts being deployed both in the fields of international protection and the provision of assistance;

(c) Noted with deep concern the widening scope and gravity of refugee situations in various parts of the world;

(d) Expressed the wish that the root causes of those situations, which fell outside the competence of the Office of the High Commissioner for Refugees, should be taken up at the earliest opportunity in the appropriate international forums, for example, the thirty-fourth session of the General Assembly;

(e) Commended the High Commissioner for the eminently humanitarian manner in which he continued to discharge the responsibilities of and to meet the increasing demands on his Office, and for his efforts to mobilize the broadest measure of international support;

(f) Stressed the importance of international protection of refugees, which was the primary responsibility and function of UNHCR, and called upon all States to respect the rights of refugees, especially the fundamental principles of asylum and non-refoulement;

(g) Expressed deep concern at the likelihood of a renewed mass exodus of persons fleeing from Democratic Kampuchea and urged the international community to respond generously and speedily to requests for assistance made by the International Committee of the Red Cross, the United Nations Children's Fund and the Government of Thailand;

(h) Reaffirmed the need for a universally humanitarian approach to refugee problems;

(i) Called for the widest possible participation by the international community in meeting expanding requirements, and reaffirmed its conviction that the responsibility of providing solutions to refugee problems must be more equitably shared by the international community;

(j) Took note with appreciation of the fact that UNHCR assistance programmes for refugees were being vigorously pursued throughout the world;

(k) Welcomed a statement by the High Commissioner that the extent and forms of assistance to be provided by his Office in the various continents and regions of the world were constantly under review so as to provide the most effective response to specific refugee needs wherever and whenever they were required;

(l) Welcomed the suggestion that the High Commissioner should periodically seek the advice of members of the Executive Committee between its annual sessions and thereby to engage them in dialogue, either on general problems concerning administrative, financial and management questions or on problems of particular concern to groups of countries, for example, from the African region;

B

(a) Took note with interest of the statements made on behalf of the Organization of African Unity and by observers from the African National Congress of South Africa, the Pan Africanist Congress of Azania, the South West Africa People's Organization, the Zimbabwe African National Union and the Zimbabwe African People's Union;

(b) Greatly welcomed the conclusions and achievements of the Conference on the Situation of Refugees in Africa, held at Arusha, United Republic of Tanzania, from 7 to 17 May 1979 under the auspices of the Organization of African Unity, the Economic Commission for Africa and UNHCR, especially with regard to the right of asylum, non-refoulement, the rights and obligations of refugees in countries of asylum, and the need to formulate well-prepared and comprehensive assistance programmes to refugees and to secure for them maximum support;

(c) Requested the High Commissioner to pursue his efforts to respond to refugee needs in Africa and, towards that end, called upon the international community to increase the level of their contributions to and support of UNHCR and specifically:

- (i) Urged all Governments, intergovernmental and non-governmental organizations to contribute generously to meeting the growing requirements in the front-line and other States following the continuing influxes from Namibia, South Africa and Zimbabwe, and deplored the attacks on refugee settlements in countries of asylum;
- (ii) Noted with concern the predicament of large groups of refugees and displaced persons requiring sizeable assistance in the Sudan, Uganda and Zaire, and urged the international community to respond generously to the efforts of the High Commissioner aimed at providing these groups with appropriate assistance;

- (iii) Commended the High Commissioner for the humanitarian assistance he was providing in the Horn of Africa (Djibouti, Ethiopia and Somalia) and requested him to continue to intensify assistance to the refugees and displaced persons in the region;
- (iv) Noted with satisfaction the repatriation movement of Angolans, Ugandans and Zairians returning to their homeland as well as the request of the Government of Equatorial Guinea for assistance with regard to the voluntary repatriation of its citizens following the change of circumstances in the country;

C

- (a) Welcomed the initiative of the High Commissioner in convening in December 1978 a Consultative Meeting with Interested Governments on Refugees and Displaced Persons in South-East Asia;
- (b) Greatly appreciated the practical results achieved as a consequence of the Meeting on Refugees and Displaced Persons in South-East Asia, convened at Geneva on 20 and 21 July by the Secretary-General of the United Nations;
- (c) Urgently appealed to Governments to grant at least temporary asylum to those seeking refuge pending alternative solutions being found for them;
- (d) Welcomed the increased numbers of resettlement offers and the accelerated pace of the movement to countries of permanent resettlement;
- (e) Noted with concern that the remaining case-load in countries of temporary asylum and the continuing influx from Indo-China required further, intensified efforts in finding durable solutions through local settlement, resettlement in third countries and voluntary repatriation;
- (f) Urged all Governments to provide added opportunities for durable solutions;
- (g) Welcomed the actions of the High Commissioner in facilitating the repatriation of Burmese refugees from Bangladesh and the measures of assistance undertaken for the reintegration of the returnees in their home country.

III. INTERNATIONAL PROTECTION

(Item 4 of the agenda)

44. Introducing the note on international protection (A/AC.96/567), the Director of Protection stated that, besides extending international protection to refugees, it was the Office's duty to preserve the inviolability of the principles established in the field of international protection which were of a universal character.

45. He further stated that the various disquieting developments mentioned in the document called for a reaffirmation by the international community of the universal character of the principles established in the humanitarian field for the protection of refugees and asylum-seekers - notably the principle of non-refoulement and the principle that asylum, at least of a temporary nature, must under no circumstances be refused if this would expose asylum-seekers to danger. States should, as a matter of urgency, accede to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, thereby confirming their acceptance of recognized principles for the treatment of refugees. It should be stressed that the Convention did not define a privileged status for refugees but laid down minimum standards for their treatment. The Convention also defined the obligations of refugees and took due account of the interests of Contracting States in regard to public order and security.

46. There was also a need for adopting measures for the effective implementation of the Convention and the Protocol on the national plane. While considerable progress had been achieved, certain States which had been parties to the Convention for a considerable period, considered that the rights of refugees and asylum-seekers were adequately guaranteed by their legislation or administrative practice and that specific implementing measures, for example, as regards procedures for determining refugee status, were not required. Despite the generally liberal practices followed by those States, however, it sometimes occurred that genuine refugees were in danger of being returned to their country of origin by subordinate or frontier authorities. Such situations would be less likely to arise if formal procedures for the determination of refugee status existed in the country concerned.

47. The promotion of voluntary repatriation was one of the principal functions of the Office and several large-scale voluntary repatriation operations had recently been initiated or successfully completed. During a recent visit to the area, the Director of Protection had examined with the authorities of the two countries concerned, the possibility of arrangements for voluntary repatriation from Thailand to the Lao People's Democratic Republic.

48. The effective exercise of international protection also required a favourable climate of opinion in official and academic circles. The Office had therefore established co-operation with various governmental and non-governmental humanitarian organizations and with academic institutions more particularly concerned with humanitarian problems. Excellent co-operation existed with the Council of Europe and with OAU. Such promotional efforts would also be undertaken in other areas, notably Asia, the Middle East and the Americas.

49. In the ensuing discussion and also in the general debate, a number of representatives stressed the absolute character of the principles established for the protection of refugees and concern was expressed that those principles had been disregarded in a number of situations in different areas of the world.

50. The special problems arising in situations involving a large-scale influx of asylum-seekers were mentioned and their importance stressed by a number of representatives. Such situations called for immediate and effective measures of assistance to countries of first asylum within the context of international solidarity and burden-sharing. It was however generally considered that burden-sharing arrangements were not a precondition for the observance of established international principles for the protection of refugees and asylum-seekers.

51. The concept of "temporary refuge" was considered to be of particular significance in situations involving a large-scale influx of asylum-seekers. One representative, however, stressed that that concept did not imply that asylum-seekers could be returned to their country of origin at some later time but should be regarded as a signal to the international community that burden-sharing arrangements were required. The view was expressed by another representative that the concept of temporary refuge was difficult to define in juridical terms and should be re-examined by the Sub-Committee of the Whole on International Protection.

52. Mention was made of the precarious situation of asylum-seekers leaving their country of origin in boats. One representative stated that masters of ships flying his country's flag had been specifically instructed to receive such asylum-seekers in distress. A large number of asylum-seekers had been so rescued and had been disembarked against guarantees of resettlement provided by his Government in co-operation with UNHCR. Another representative referred to the widely-accepted principle of disembarkation at the "first scheduled port of call". In accordance with this principle, asylum-seekers rescued on the high seas should be disembarked at that port, against resettlement guarantees, should those be necessary.

53. In regard to the problem of identifying the country responsible for examining an individual request for asylum, two representatives considered that solutions, in order to be effective, should in the first instance be sought in a regional context.

54. Mention was made of the fruitful results achieved within the Council of Europe as an example of the solution of refugee problems on the regional level. Similar efforts undertaken within OAU had led to the adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and, more recently, to the holding of the pan-African Conference on the Situation of Refugees in Africa at Arusha, United Republic of Tanzania, from 7 to 17 May 1979, at which the applicability of fundamental principles for the protection of refugees in the African context was reaffirmed. The work of the Conference could be considered as a major contribution to strengthening the legal position of refugees in Africa and as an example for similar initiatives in other regions.

55. It was considered that further States should accede to the 1951 Convention and 1967 Protocol as a matter of urgency. Several representatives informed the Committee of the action taken or envisaged by their respective Governments regarding accession or the withdrawal of certain reservations.

56. One representative stated that the Convention and the Protocol were universal instruments which laid down principles for the international community as a whole. He considered that some of the standards defined in the Convention and in the Protocol might already have acquired an independent normative character.

57. The need for the adoption of appropriate measures for implementing the Convention and the Protocol on the national plane was also recognized. Several representatives informed the Committee of the various measures adopted or envisaged in order to ensure the effective implementation of the Convention and the Protocol in their respective countries.

58. One representative considered that UNHCR had an important role to play in advising Governments as to measures for implementing the provisions of the 1951 Convention and the 1967 Protocol. In addition, UNHCR could assist in developing refugee law by close co-operation with Governments in formulating rules, practices and procedures for the benefit of refugees.

59. One representative pointed out that relatively few States had acceded to the 1961 Convention on the Reduction of Statelessness (A/CONF.9/15). He considered that further accessions to this Convention would be of benefit to stateless refugees.

60. One representative informed the Committee that the authorities of his country had issued some 20,000 1951 Convention travel documents with return clauses in order to facilitate the movement of refugees abroad. Another representative stressed the importance of the availability of 1951 Convention travel documents with return clauses in arranging educational training for refugee students.

61. It was recognized that voluntary repatriation was the most desirable solution for refugee problems and reference was made to various large-scale repatriation operations which had been initiated or successfully completed in recent months. One observer referred to the humanitarian action taken by his country to facilitate the reunification of separated refugee families.

62. One representative considered that problems of international protection should be viewed in the particular context in which they arose and that it was necessary to reconcile the idealistic and practical aspects of international protection. He also considered that protection could best be guaranteed if more regard were had to the causes of refugee problems. Those views were shared by another representative and one observer who expressed the hope that the Executive Committee would take special, political and security factors into account when applying the principles of international protection. In that connexion, he mentioned the importance to countries of first refuge of not being left with any residual problems, as pointed out by the High Commissioner in his closing statement to the Consultative Meeting with Interested Governments on Refugees and Displaced Persons in South-East Asia (see HCR/CSEA/5).

63. Two representatives and one observer referred to recent inhuman attacks on refugee camps in southern Africa as a result of which numerous refugees, including women and children, had been seriously injured or had lost their lives. There was unanimous agreement that the attacks should be the subject of serious condemnation and that the necessary steps should be taken to protect refugees from such attacks and to assist the victims.

64. One representative stated that, in view of General Assembly resolution 33/165 of 20 December 1978, persons compelled to leave South Africa because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces might qualify for asylum in his country.

65. One observer referred to the problems encountered by Zimbabweans in securing recognition of their refugee status and in obtaining travel documents and residence and work permits.

66. The importance of dissemination of the principles of refugee law as a means of increasing the effectiveness of international protection was generally recognized. A suggestion that the dissemination of refugee law could usefully be pursued in the context of regional seminars and the plan for future action described in document A/AC.96/INF.159 met with general approval.

67. One representative stressed that action for dissemination should not only be undertaken by UNHCR but also by national authorities with a view to ensuring that subordinate and frontier officials were made duly aware of the special situation of refugees and asylum-seekers.

68. A number of representatives expressed appreciation for the recent publication by UNHCR of the collection of international instruments concerning refugees and expressed the hope that the collection would in due course be published in other languages. Appreciation was similarly expressed for the recent issue in printed form of the Handbook on Criteria and Procedures for the Determination of Refugee Status. Several representatives indicated that while their Governments were essentially in agreement with its contents, they would like to submit certain constructive comments. The Director of Protection indicated that the Handbook would be formally submitted to Governments for comment and discussion.

69. The importance of the work of the Sub-Committee of the Whole on International Protection was recognized and the report of its third meeting held prior to the session of the Executive Committee was unanimously adopted. Several representatives considered that the conclusions adopted by the Sub-Committee at its previous meetings and confirmed by the Executive Committee could usefully be made available in the form of a compendium.

70. With regard to the agenda of the next meeting of the Sub-Committee, a suggestion was made that it include the question of extradition in relation to refugees. It was also suggested that the question of expulsion measures taken in respect of delinquent refugees should be examined by the Sub-Committee. Several representatives considered that the question of the evaluation of the follow-up given to earlier recommendations of the Sub-Committee should be considered in due course.

71. At the close of the discussion, the Committee adopted the following conclusions, which include those recommended by the Sub-Committee of the Whole on International Protection.

Conclusions of the Committee

72. The Executive Committee

(1) General

(a) Reiterated the fundamental importance of the international protection

function exercised by the United Nations High Commissioner for Refugees and of the principles established in this field which are not subject to any derogation;

(b) Noted with appreciation the work of the Sub-Committee of the Whole on International Protection which had proved to be of great practical value to the Office of the High Commissioner in its efforts to extend international protection to refugees;

(c) Noted with concern that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of non-refoulement and that refugees arriving by sea had been refused even temporary asylum, with resulting danger to their lives, and had in many cases perished on the high seas;

(d) Called upon all States to ensure that masters of vessels sailing under their flags scrupulously observed established rules regarding rescue at sea, and to take all necessary action to rescue refugees and displaced persons leaving their country of origin on boats in order to seek asylum and who are in distress;

(e) Severely condemned recent inhuman attacks on refugee camps in southern Africa as a result of which numerous refugees, including women and children, had lost their lives and others had become permanently incapacitated, and expressed the hope that the necessary steps would be taken to protect refugees from such attacks and to assist the victims;

(f) Considered it urgent that further States accede to the 1951 Convention and to the 1967 Protocol and that States already parties to those instruments which had not yet done so adopt appropriate measures to implement their provisions, especially as regards procedures for determining refugee status;

(g) Took note with great appreciation of the work of the Conference on the Situation of Refugees in Africa, held at Arusha, United Republic of Tanzania, from 7 to 17 May 1979, which it considered would represent a major contribution to the protection of refugees in Africa;

(h) Recognized the importance of the dissemination of refugee law in increasing the effectiveness of international protection and noted with satisfaction the efforts being undertaken by the High Commissioner's Office in this matter as described in document A/AC.96/INF.159;

(i) Expressed the wish to be kept regularly informed of the activities of the Office and of the problems arising in the field of international protection;

(2) Refugees without a country of asylum

Considered that States should be guided by the following considerations:

General principles

(a) States should use their best endeavours to grant asylum to bona fide asylum-seekers;

(b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of non-refoulement;

(c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum;

(d) Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin;

(e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted;

Situations involving a large-scale influx of asylum-seekers

(f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should, as necessary and at the request of the State concerned, receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected and are given emergency assistance, and that durable solutions are sought;

(g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the country of first asylum is equitably shared;

Situations involving individual asylum-seekers

(h) An effort should be made to resolve the problem of identifying the country responsible for examining a request for asylum by the adoption of common criteria. In elaborating such criteria the following principles should be observed:

- (i) The criteria should make it possible to identify in a positive manner the country which is responsible for examining a request for asylum and to whose authorities the asylum-seeker should have the possibility of addressing himself;
- (ii) The criteria should be of such a character as to avoid possible disagreement between States as to which of them should be responsible for examining a request for asylum and should take into account the duration and nature of any sojourn of the asylum-seeker in other countries;
- (iii) The intentions of the asylum-seeker as regards the country in which he wishes to request asylum should as far as possible be taken into account;

- (iv) Regard should be had to the concept that asylum should not be refused solely on the ground that it could be sought from another State. Where, however, it appears that a person, before requesting asylum, already has a connexion or close links with another State, he may, if it appears fair and reasonable, be called upon first to request asylum from that State;
- (v) The establishment of criteria should be accompanied by arrangements for regular consultation between Governments concerned for dealing with cases for which no solution has been found and for consultation with the Office of the United Nations High Commissioner for Refugees as appropriate;
- (vi) Agreements providing for the return by States of persons who have entered their territory from another contracting State in an unlawful manner should be applied in respect of asylum-seekers with due regard to their special situation;
- (i) While asylum-seekers may be required to submit their requests for asylum within a certain time-limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to a request for asylum being excluded from consideration;
- (j) In line with the recommendation adopted by the Executive Committee at its twenty-eighth session, ^{4/} where an asylum-seeker addresses himself in the first instance to a frontier authority the latter should not reject his application without reference to a central authority;
- (k) Where a refugee who has already been granted asylum in one country requests asylum in another country on the ground that he has compelling reasons for leaving his present country of asylum due to fear of persecution or because his physical safety or freedom are endangered, the authorities of the second country should give favourable consideration to his request for asylum;
- (l) States should give favourable consideration to accepting, at the request of the Office of the United Nations High Commissioner for Refugees, a limited number of refugees who cannot find asylum in any country;
- (m) States should pay particular attention to the need for avoiding situations in which a refugee loses his right to reside in or to return to his country of asylum without having acquired the possibility of taking up residence in a country other than one where he may have reasons to fear persecution;
- (n) In line with the purpose of paragraphs 6 and 11 of the Schedule to the 1951 Convention, States should continue to extend the validity of or to renew refugee travel documents until the refugee has taken up lawful residence in the territory of another State. A similar practice should as far as possible also be applied in respect of refugees holding a travel document other than that provided for in the 1951 Convention.

^{4/} Official Records of the General Assembly, Thirty-second Session, Supplement No. 12A (A/32/12/Add.1), para. 53 (6) (e) (i).

IV. UNHCR ASSISTANCE ACTIVITIES

(Item 6 of the agenda)

73. In introducing the report on UNHCR assistance activities in 1978-1979 and the proposed voluntary funds programmes and budget for 1980 (A/AC.96/564 and Corr.1 and Add.1), the Director of Assistance pointed to the continued rise in the cost of such activities. The amount for the General Programmes had increased from the revised proposals for 1979, \$177.6 million, to the initial proposals for 1980, which stood at \$233.8 million. This increase was due to the growth in the number of persons of concern to the High Commissioner, and although it was satisfactory to be able to point to situations where durable solutions had been found, it had to be recognized nevertheless that the number of persons requiring continuing assistance was rising at a greater rate than the number for whom solutions could be found.

74. The amount of some \$50 million proposed for General Programmes in Africa in 1980 represented a significant increase as compared with previous years, and reflected the fact that Africa continued to harbour the largest numbers of refugees in the world. He was glad to be able to report on the Zairians who had returned from Angola and on the hopes for repatriation of refugees to Uganda and Equatorial Guinea; preparations were also taking place for the return of Angolans from Zaire. Yet the problems of the Horn of Africa and Zimbabwe remained acute.

75. In Latin America, the dominant assistance activities related to Nicaraguans either returning to their country or newly departed. The Director expressed the hope that the High Commissioner's recent appeal in respect of immediate assistance measures to returning citizens would find an adequate response.

76. The Director of Assistance then turned to the considerable increase for the General Programmes in Asia in 1980. He stressed that those programmes were based, as for other regions, on the essential needs of refugees and took account of other known bilateral or multilateral contributions. They also included new programmes for China and Pakistan. He provided explanations concerning the costs involved in Indo-China, and added that, with offers of resettlement opportunities being received from various developing countries, the proposed fund for durable solutions could provide appropriate additional finance.

77. Funds were also required for the refugee processing centres in South-East Asia, of which the first two were due to be operational by the end of 1979. Discussions were taking place with the Lao and Thai authorities concerning the possible voluntary repatriation of Lao refugees and their subsequent reintegration.

78. Some European countries continued to play an important role in the field of resettlement, for persons from the Indo-Chinese region in particular. Others, particularly Spain and Portugal, were being faced with increasing numbers of asylum-seekers, either from within the continent or from elsewhere.

79. The Director of Assistance went on to say that UNHCR strove constantly for the orderly management of programmes. Nevertheless it found itself in difficulties in

this respect when there were insufficient funds available at the beginning of the financial year. He stressed the need for donors to make early contributions. As regards the Project Management System, it was hoped that, with the co-operation of implementing partners, it would be extended to the whole of the 1980 programmes.

80. In conclusion, the Director of Assistance paid warm tribute to the close co-operation provided by the United Nations system and intergovernmental and non-governmental organizations, without whom the majority of UNHCR programmes could not be implemented.

81. The Director of Administration and Management, in addressing the administrative aspects of UNHCR assistance activities, noted the important role of the Advisory Committee on Administrative and Budgetary Questions, whose observations were before the Committee (A/AC.96/570). Explaining the various sources of funding, the Director drew attention to a background paper on the difficulties UNHCR was experiencing in transferring posts from voluntary funds to the regular budget.

82. With regard to administrative estimates under General Programmes, the Director summarized the over-all figures. The increased needs for 1979 were 6.8 per cent of the revised total target, while for 1980, the percentage foreseen was 6.4. The revised figure for Special Programmes for 1979 took account of nine special operations, while the 1980 estimate covered four such operations, with the needs of two more currently being assessed. New posts for 1979 totalled 138, and for 1980 a further net increase of 14 posts was foreseen. Over 60 per cent of all new posts were for the field.

83. The Director then reviewed some of the reasons for the expansion in UNHCR staff needs and how these needs should best be met. The Statute required the High Commissioner to recruit staff devoted to the purposes of his Office. The ideals of an independent international civil service must, of course, be respected. New staff of the highest calibre were needed and their recruitment must take account of such considerations as a broad geographical basis, experience, sex and availability.

84. The Director also informed the Committee that UNHCR was giving particular attention to the question of training. He mentioned burdens placed on the staff, the importance of career development, and the need to improve and standardize conditions of field service.

85. It was hoped that more Governments would feel able to sponsor junior professional officers from the developing world. UNHCR also hoped to make more use of the United Nations Volunteers programme, and of governmental and non-governmental personnel resources.

86. The Director said that UNHCR was alive to the need to adapt and strengthen its structures and practices, and was aware that part of the solution lay in a greater use of suitable resources elsewhere within the United Nations system and of consultants, as well as in the adoption of modern management tools. The Office was pursuing the potential applications of electronic data processing.

87. With respect to the difficulties outlined by the Director of Administration and Management concerning the transfer of posts to the regular budget of the United Nations, one representative said that he was concerned that United Nations rules be applied with the necessary flexibility. He believed that all costs which

should properly be borne by the regular budget should be assumed by that budget at the earliest opportunity, thus allowing voluntary funds to be used to the largest possible degree for assistance.

88. Representatives and observers took the opportunity, as they had done in the general debate, to express their appreciation to the High Commissioner and his staff for their untiring efforts in favour of the refugees and displaced persons who benefited from his programmes. They extended their gratitude to the various institutions of the United Nations system and to the intergovernmental and voluntary agencies which also played an indispensable part, either through the High Commissioner or bilaterally, in the humanitarian work of the international community in favour of the persons in distress who were the concern of the High Commissioner. Speakers once again assured the High Commissioner of their continuing support in the future.

89. The representative of Morocco drew attention to the fact that measures of immediate assistance should be of a temporary nature, pending the preparation of durable solutions for the beneficiaries. He was of the opinion that the High Commissioner, in seeking those solutions, should actively consult with all parties concerned and should not hesitate to bring to the attention of the Executive Committee the obstacles which he might encounter in so doing, in the interests of bringing to light all the facts of a given situation and thus safeguarding the integrity and credibility of his Office.

90. When considering the programmes for Africa, various speakers referred once again to the fact that the refugee situation in Africa received little public attention compared with some other areas of the world because of the traditional policy of hospitality and generosity which reigned throughout the continent. It was nevertheless a fact that developing countries, in Africa as elsewhere, in view of their meagre resources, could ill afford to integrate additional populations without the assistance of the international community. Many speakers made it clear that those countries were feeling the social, economic and political strains caused by the presence of large numbers of refugees who were competing for the same basic resources and opportunities as the native population. They expressed the view that it was essential to provide those countries with adequate assistance to enable them to continue to maintain their traditional policies, and urged the international community to make available to the High Commissioner the means necessary.

91. Representatives and observers from various African countries drew the Committee's attention to certain figures or other facts which had changed since the preparation of the documents under consideration, and to new assistance measures which their authorities had instituted or intended to initiate, particularly in the field of local integration. They hoped that the additional financial requirements arising therefrom would receive a sympathetic response from the High Commissioner.

92. The observer from Burundi stated that his country had recently submitted a request to UNHCR in respect of the establishment of a health centre and education complex in the region where most of its 50,000 registered refugees were located. He urged that such additional assistance for Burundi be included under the UNHCR General Programmes. Several representatives supported this request. The Director of Assistance replied that UNHCR had already contacted potential donors and that the request would be studied further.

93. The Minister of Local Government and Rural Development of Somalia said that while his Government appreciated UNHCR support to the refugees in Somalia, it nevertheless appealed to the members of the United Nations system, humanitarian agencies and sympathetic countries to redouble and increase their material and financial assistance in view of the serious dimension and gravity of the present refugee situation in Somalia.

94. The observer from Ethiopia pointed out that voluntary repatriation of refugees provided the most effective and durable solution to the refugee problem. He pointed out that in co-operation with UNHCR, the Ethiopian Government would shortly take the necessary measures to repatriate bona fide Ethiopian refugees in Djibouti, and that Ethiopia was also willing and prepared to co-operate with any other country for the voluntary repatriation of all its nationals. For this it needed generous humanitarian assistance. He also appealed for strict observance of the existing international conventions and in particular referred to article III of the OAU Convention which prohibits refugees from attacking any OAU member State by the use of arms or through the press or the radio.

95. The Director of Assistance subsequently acknowledged those remarks and provided additional information where appropriate.

96. The representative of Algeria, recalling the reasons why the Sahrawis had sought asylum in Algeria, stated that, by virtue of article 6 B of the Statute of the Office of the United Nations High Commissioner for Refugees, they were refugees and the competence of the High Commissioner extended to them, and that she was under a duty to draw the attention of members of the Committee to them for strictly humanitarian reasons. Those people, who were in a very arid area where there was no vegetation and very few waterholes and where they had little protection against the natural elements, were exposed to every kind of illness and their situation was critical. In view of the mandate of UNHCR, she could not agree that no provision should be made for the needs of those refugees under the 1980 assistance programmes. Furthermore, as the situation was one in respect of which special assistance had been provided during the last three years, she was of the view that it would be appropriate to make provision for uninterrupted assistance under the General Programmes and not under the Special Programmes.

97. Furthermore, she requested that the wording of the text relating to the Sahrawi refugees should be brought into line with the presentation by countries in the other chapters of document A/AC.96/564 and Corr.1. The representative of Algeria said that, pending a satisfactory reply to her request, she would enter reservations on the report on assistance activities, although she would not impede its approval by the Committee.

98. The request of the representative of Algeria was supported by several representatives and observers.

99. The representative of Morocco regretted that implementation of the durable solutions envisaged in the decision adopted by the Executive Committee in 1976 5/ had not been embarked upon despite appeals by the Chairmen of the twenty-eighth and twenty-ninth sessions, owing to the fact that UNHCR had encountered a complete

5/ Ibid., Thirty-first Session, Supplement No. 12 A (A/31/12/Add.1), para. 119, sect. B.

lack of co-operation in the matter on the part of the Algerian authorities. He added that, in previous statements, he had presented proof that the persons of all origins on whose behalf Algeria was requesting assistance were not refugees within the meaning of the international instruments, and that the vast majority of them did not come from the "Atlantic part of the Sahara". The Secretary-General of the United Nations had decided that a census should be taken of the persons living in camps in the Tindouf region and their origin verified. Had that operation been carried out to clarify the situation the true facts would have become self-evident. He repeated the undertaking of the Moroccan Government to accept the guarantees which UNHCR might require to ensure that persons from the "Atlantic part of the Sahara" who opted to return would be treated with complete respect for the provisions of the Universal Declaration of Human Rights and would live among their own people in dignity and freedom. The most useful role of UNHCR was to promote durable solutions and not to continue to provide assistance indefinitely.

100. The representative of Algeria recalled that the durable solutions envisaged, namely, family reunification and voluntary repatriation, could not be achieved until the situation of occupation in the western Sahara had come to an end.

101. The representative of Morocco said that he would forego his right of reply out of consideration for the Chairman and members of the Committee.

102. The observer from Djibouti made an urgent plea for opportunities abroad to assist his authorities with durable solutions for the refugees who made up some 10 per cent of the country's population. He thanked those countries who had already come to Djibouti's aid, pointing out that such a high level of refugees placed an intolerable burden on his young, recently independent country.

103. Several speakers supported the proposal of the representative of Algeria for the creation of a consultative committee to advise the High Commissioner on situations in Africa. They insisted that the proposal was in no way to be considered as an implied criticism of the High Commissioner; however, they felt that such a body could serve a useful purpose.

104. The observers from the Zimbabwe African National Union and the Pan Africanist Congress of Azania made statements expressing gratitude for the assistance provided to refugees by the High Commissioner and all other sources. They urged the international community to continue to meet their needs as their movements struggled to remove the root causes of the refugee problems in southern Africa - the régimes of racism and apartheid in Southern Rhodesia and South Africa.

105. Other representatives and observers condemned the armed attacks made on refugee camps by forces of those countries, which not only destroyed property and often innocent lives, but also hampered greatly the continuing efforts being made on behalf of the refugees concerned.

106. With regard to the programmes for Central and Latin America, it was recalled that over-all developments had been outlined in the general debate. The Committee heard a statement by the observer from Honduras in which he explained that his country's policy towards refugees was governed by traditional humanitarian practices, as demonstrated by their treatment of Nicaraguans, even though Honduras was not yet a party to either the 1951 Convention or the 1967 Protocol. He thanked all those bodies who had assisted his country in its endeavours to provide relief to the unfortunate people in need.

107. The representative of Nicaragua expressed his country's sincere appreciation for the efforts which the international community had made earlier on behalf of Nicaraguan refugees in neighbouring countries and of those who subsequently returned following recent events.

108. With regard to the High Commissioner's activities in Asia, the Committee heard a statement by the observer from Bangladesh concerning the satisfactory progress made in two situations affecting his country. The observer from Pakistan expressed his appreciation for the High Commissioner's rapid and efficient response to a request by the authorities in his country in respect of a large group of refugees who had recently arrived there.

109. Turning to South-East Asia, the representative of the United States stated that as a result of the United Nations meeting held at Geneva in July 1979, the situation had somewhat improved, except for particular developments in Democratic Kampuchea. He expressed his thanks to all the voluntary agencies who had contributed to this effort, and to ICEM in particular for its role in resettlement operations. Nevertheless, the commitment of the international community must be maintained, since there was great potential for a return to a situation of crisis proportions.

110. The United States was particularly concerned that results should be achieved to cover three aspects of the situation in South-East Asia: that the countries of first refuge continue to feel assured of the active support of the international community; that measures be pursued to ensure the safety and well-being of boat people (including the combating of piracy) and their disembarkation at first ports of call; and that appropriate measures be taken in favour of persons crossing into Thailand from Democratic Kampuchea, as well as those remaining in Democratic Kampuchea itself, to prevent the disappearance of an entire people. In that connexion, the speaker urged support for the recently launched ICRC/UNICEF relief operation. He went on to say that his country was willing to assist with the programme of orderly departures from Viet Nam and pointed out that it was desirable that officials from resettlement countries be present in Viet Nam. The programme would doubtless serve to reduce the number of clandestine departures; however, it was essential that nations provide their people with acceptable conditions within their own borders.

111. With reference to the situation in Democratic Kampuchea, the representative of Thailand informed the Committee that since he had spoken in the general debate a further 30,000 people had arrived in Thailand, many of them sick and starving. The Thai authorities were doing what they could in accordance with the best humanitarian traditions, and he hoped that the international community would maintain its assistance at a level commensurate with the needs, as in the past, for which his country had been deeply grateful.

112. Towards the end of the session the representative of Thailand intervened again to say that the number of new arrivals had risen to 80,000, and more persons were arriving. He expressed his Government's gratitude to the High Commissioner for the timely and speedy response which he had already made to this urgent crisis and to the members of the Executive Committee for their sympathetic understanding of the critical situation in which his country found itself.

113. The observer from Viet Nam made a statement in the course of which he assured the Executive Committee that the Vietnamese authorities would continue

to co-operate closely with the High Commissioner in respect of the programme of orderly departures.

114. Referring to the proposed programme for Hong Kong in 1980, the representative of the United Kingdom informed the Committee that the authorities in his country had provided the High Commissioner with comments thereon.

115. With reference to the increasing number of asylum-seekers arriving in European countries, as mentioned by the Director of Assistance in his introductory statement, the representative of Austria informed the Committee that for the period from January to September 1979 the number of such people arriving in his country showed an increase of nearly 50 per cent over the corresponding period in 1978. He urged that resettlement cases everywhere be dealt with as speedily as possible, since promptness not only benefited the individuals concerned, but also made space available for newcomers. The representative of Italy supported this plea concerning resettlement. Of the some 2,500 asylum-seekers who had entered Italy in the previous 12 months in search of resettlement opportunities in third countries, approximately 40 per cent were still in the country, constituting a significant burden on the social structure in a time of economic difficulties.

116. The observer for Cyprus said that unfortunately he was not in a position to report any improvement, since one third of the population of Cyprus still remained displaced and destitute in their own country, despite repeated United Nations resolutions calling for the speedy return of all the refugees to their homes and properties in safety.

117. He underlined the difficulties under which his Government had to prepare its economic and social programmes in view of the fact that 40 per cent of the territory of Cyprus, representing 70 per cent of the total productive capacity of the island, was under foreign occupation.

118. In referring to the wise planning and careful use of the aid so far received he stressed the need for further external assistance and appealed for the continuation of humanitarian assistance to Cyprus in 1980 until the inalienable rights of all refugees were restored. Appreciation and gratitude were expressed to the High Commissioner and to all donor Governments.

119. The representative of Turkey stated that the mandate of UNHCR had been the co-ordination of United Nations humanitarian assistance to the members of both communities in Cyprus and expressed appreciation for the impartial and objective manner in which UNHCR had been performing the task of co-ordination of relief assistance. He pointed out that using the problem of displaced persons in Cyprus for political exploitation not only undermined the prospects of its solution but also seriously affected the work of the Committee. It was obvious that the purpose behind the intervention of the observer from Cyprus was not to deal with particular refugee problems but to exploit the humanitarian concern of the international community for a specific political end.

120. The Executive Committee also took note of a report on the resettlement of refugees (A/AC.96/568) which was introduced by the Chief of the Counselling, Education and Resettlement Section of UNHCR. Both in that discussion and in the general debate speakers took the opportunity to refer to their countries' activities in the field of resettlement. They also referred to the need for increased resettlement opportunities and the desirability of enabling UNHCR, through special offers of such opportunities, to ensure that persons rescued at sea,

whom it was not possible to resettle in the country whose flag the rescuing vessel was flying, would be promptly disembarked and resettled as appropriate. The representative of Canada declared that his Government was confident that the pledge made at the Geneva Meeting on 20 and 21 July 1979 to resettle up to 50,000 Indo-Chinese refugees before the end of 1980 would be fulfilled as 44,000 places had already been secured thanks to the success of the Canadian sponsorship programme. However, the resettlement of Indo-Chinese refugees did not reduce the efforts made on behalf of refugees from other parts of the world. He wished to draw the attention of the Committee to new legislation which permitted his Government to resettle persons (such as voluntary exiles) who were admitted as refugees without having to prove that their cases conformed to the definition of a refugee as contained in the 1951 Convention and the 1967 Protocol. Three groups were affected by the new legislation: "refugees" from Eastern Europe, Latin America and South-East Asia.

121. The representative of UNDP underlined the close collaboration which existed between his organization and UNHCR.

122. The representative of UNESCO stressed ongoing co-operation and the special concern of the Director-General of UNESCO for the situation in South-East Asia and southern Africa.

123. The representative of WFP informed the Committee of the massive aid provided by his organization to refugees and of its willingness to continue close co-operation with UNHCR.

124. The Director of Assistance, referring to the discussions which had taken place on UNHCR assistance to the Sahrawis, said he was convinced it would be preferable to find a solution to the problems encountered through discussions in which UNHCR was prepared to engage with the parties concerned. For its part, UNHCR was ready to do everything within the framework of its mandate, and in accordance with all the procedures available under it, to assist all refugees, regardless of their race, religion or political opinions. It was that attitude which gave UNHCR its strength.

Decision of the Committee

125. The Executive Committee

A

(a) Commended the High Commissioner for the progress made in the implementation of his General and Special Programmes in 1978 and the first months of 1979, as reported in document A/AC.96/564 and Corr.1;

(b) Noted with appreciation the High Commissioner's endeavours to further improve methods of financial control in the implementation of projects, and his efforts to strengthen programme planning and management;

(c) Recalled the decisions reached during its twenty-ninth session 6/ and

6/ Ibid., Thirty-third Session, Supplement No. 12 (A/33/12/Add.1), paras. 110 (b) and (c).

- (i) Noted that the influx of southern African refugees into neighbouring countries was continuing and urged the High Commissioner to pursue and intensify his efforts to alleviate the plight of these refugees;
- (ii) Expressed satisfaction that the programme for the voluntary repatriation of Burmese refugees from Bangladesh and their reintegration in Burma was nearing completion;
- (d) Noted with appreciation that the international community had responded favourably to the appeal launched by the High Commissioner for assistance towards the voluntary repatriation and rehabilitation of Zairian and Angolan returnees;
- (e) Noted the various allocations made by the High Commissioner from the Emergency Fund during the period from 1 July 1978 to 30 June 1979;
- (f) Approved the proposals set out in paragraphs (a) to (i) of schedule A of the introduction to document A/AC.96/564 and Corr.1, as well as the proposals contained in document A/AC.96/564/Add.1, namely:
 - (i) The "new and revised" allocations under the 1979 General Programmes for operations, programme support and administration as well as the relevant revised appropriations;
 - (ii) The revised financial target of \$177,658,000 7/ for the 1979 General Programmes;
 - (iii) The country and area programmes and over-all allocations for the 1980 General Programmes as regards operations, programme support and administration as well as the relevant appropriations;
 - (iv) The financial target of \$233,895,000 7/ for the 1980 General Programmes;
- (g) Endorsed the High Commissioner's proposal in respect of northern Latin America put forward in paragraph 4 of document A/AC.96/564/Add.1;
- (h) Took note with appreciation of the observations of the Advisory Committee on Administrative and Budgetary Questions submitted in document A/AC.96/570;
- (i) Called upon the High Commissioner to review with the Secretary-General, prior to the biennium 1982-1983, the question of the apportionment of the administrative costs relating to his activities between the United Nations regular budget and UNHCR voluntary funds;
- (j) Further called upon the High Commissioner to continue to strengthen the fruitful co-operation he had established with members of the United Nations system and intergovernmental and non-governmental organizations;

B

- (a) Took note of the report on the resettlement of refugees (A/AC.96/568) and urged Governments to maintain the current momentum in the resettlement of refugees and displaced persons from Indo-China as well as to consider:

7/ Including the Emergency Fund.

- (i) Applying more liberal admission criteria particularly with regard to the health and age of refugees and displaced persons and to viewing family reunion in a wider context, bearing in mind the family structures in the countries of origin;
 - (ii) Setting aside a specific number of resettlement opportunities for those refugees and displaced persons from Indo-China rescued at sea by ships flying flags of convenience, to enable the High Commissioner to negotiate the prompt disembarkation of those refugees in countries of first asylum;
- (b) Expressed the hope that a larger number of countries would participate in the vital effort to offer resettlement opportunities for a specific number of refugees and thus enable the High Commissioner to act expeditiously in emergency situations;
- (c) Encouraged Governments to participate in the programme of orderly departures under the Memorandum of Understanding between the Government of Viet Nam and UNHCR as a contribution to easing humanitarian problems in the region, and expressed the hope that procedures would be sufficiently flexible to allow for maximum utilization of the programme;
- (d) Took note of the existence of the recommendations on unaccompanied minors from Indo-China formulated by an ad hoc group of experts appointed by the International Council of Voluntary Agencies and expressed the wish that situations whereby minors were prematurely placed for adoption be avoided as in the prevailing circumstances that solution might place the minor in an ambiguous legal situation;
- (e) Invited African States, in line with the recommendations adopted by the Arusha Conference on the Situation of Refugees in Africa, to assist the Bureau for the Placement and Education of African Refugees of the Organization of African Unity in its efforts to secure resettlement places on the African continent for refugees of urban background.

V. FINANCIAL QUESTIONS

A. Status of contributions and over-all financial situation for 1979 and 1980

(Item 8 of the agenda)

126. The Director of External Affairs, introducing the report on the status of contributions to UNHCR voluntary funds and the over-all financial situation for 1979 and 1980 (A/AC.96/565), noted that the 1979 General Programmes requirement had been revised from \$88 million to \$178 million. He informed the Committee that, thanks to the generosity of Governments, the General Programmes would be fully financed. Referring to Special Programmes, he stated that the response to appeals for Burma, Nicaragua and Uganda had been inadequate. There were also a number of Special Programmes in South-East Asia interrelated with General Programmes and requiring urgent funding: the establishment of a processing centre for 50,000 in the Philippines amounting to \$60 million, of which \$40 million was still outstanding, and the programme for orderly departure from Viet Nam requiring some \$4 million for the next 12 months. The global requirements for 1978 for both General and Special Programmes might therefore reach \$250 million.

127. Referring to the increase of the General Programmes target from \$88 million in 1979 to \$234 million in 1980, the Director of External Affairs, although recognizing that Governments might have difficulties in adjusting their contributions to the increased requirements, hoped that funds could be obtained early enough in the year to avoid the postponing of all assistance going beyond the bare minimum. Once again, he reminded the Committee that the current piecemeal approach was time-consuming and costly, and resulted in delay in the implementation of programmes and subsequently in the attainment of durable solutions for refugees. For this reason, the High Commissioner, in the note on the ceiling of the Working Capital and Guarantee Fund (A/AC.96/566), recommended raising the Fund's ceiling to \$10 million to permit commitments up to that amount against conditional pledges from Governments. Moreover, the High Commissioner not only called for increased contributions to be pledged, if not paid, at the beginning of the year, but also appealed for contributions to the General Programmes at large to be unearmarked, as earmarked contributions often tended to favour certain groups of refugees.

128. The Director of External Affairs concluded by referring to the indicative figure of \$120 million for over-all requirements, first proposed at the twenty-ninth session of the Executive Committee for each of the years 1979, 1980 and 1981. Indications now were that requirements would amount to \$250 million in 1979 and \$300 million in 1980.

129. During the examination of the report on the status of contributions, questions were put, the details of which may be found in the summary record of the meeting (A/AC.96/SR.312).

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

- BRAZIL The representative of Brazil announced that his Government pledged \$50,000 for the 1979 General Programmes, earmarked for assistance to Indo-Chinese refugees.
- BELGIUM The representative of Belgium announced that his Government would increase its contribution to the General Programmes for 1980 from \$350,000 to \$700,000. This did not include \$70,000 earmarked for the operation costs of the UNHCR Branch Office in Brussels.
- DENMARK The representative of Denmark announced that, subject to parliamentary approval, his Government would increase its contribution from DKr 6.5 million in 1979 to DKr 15 million (\$3 million) in 1980 towards the General Programmes.
- GERMANY, FEDERAL REPUBLIC OF The representative of the Federal Republic of Germany announced that, subject to parliamentary approval, the regular contribution of DM 2.5 million (\$1.4 million) to the General Programmes would be increased by DM 1 million (\$575,000) in 1980. Also subject to parliamentary approval, a further DM 20 million (\$11.5 million) for Indo-Chinese refugees was to be disbursed through UNHCR and others.
- JAPAN The representative of Japan repeated his Government's commitment to contribute 50 per cent of the funds required for the 1979 UNHCR programme for Indo-Chinese refugees and for the construction of the refugee processing centre on Galang Island.
- NORWAY The representative of Norway announced that, subject to parliamentary approval, his Government would contribute NKr 20 million (\$4 million) towards the 1980 programmes, of which NKr 15 million would be for the General Programmes and NKr 5 million earmarked for the Education Account.
- SWEDEN The representative of Sweden announced that extra contributions towards the UNHCR programmes in southern Africa, the Horn of Africa, the Sudan, Uganda and Nicaragua were at present being considered.
- UNITED STATES OF AMERICA The representative of the United States of America announced that his Government would contribute to the UNHCR programme for refugees now returning to their homeland in Nicaragua.
- YUGOSLAVIA The representative of Yugoslavia announced that, subject to parliamentary approval, his Government would make a contribution of 470,000 dinars (\$25,000) towards the programme for Indo-Chinese refugees.

Decision of the Committee

DRAFT DECISION ON THE STATUS OF CONTRIBUTIONS

131. 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 1979 and 1980 (A/AC.96/565);

(b) Noted with appreciation the generosity of Governments which had responded to the appeals of the High Commissioner and expressed the hope that additional funds would be forthcoming to enable him to secure the full financing of the 1979 programmes;

(c) Recognized that the increased requirements for the UNHCR General Programmes for 1980 called for a corresponding increase in financial support from the international community;

(d) Requested the High Commissioner to make every effort to obtain necessary contributions from Governments and others to fully finance the 1980 programmes;

(e) Reaffirmed the universal character of the problems facing the High Commissioner and the need for wider financial support of the programmes being undertaken by him;

(f) Urged Governments that had not hitherto done so to contribute to UNHCR as a tangible expression of their solidarity with the international community in its humanitarian endeavours to find durable solutions for refugees and displaced persons;

(g) Urged Governments that could do so to increase substantially the level of their contributions to UNHCR for 1980;

(h) Invited Governments of all States Members of the United Nations or of the specialized agencies, on the occasion of the forthcoming annual Pledging Conference to be held in New York in November 1979, to announce their maximum financial support in the form of contributions to the UNHCR programmes for 1980, thus enabling the High Commissioner to start the year at an assured level of implementation of his humanitarian programmes;

(i) Urged Governments to make the maximum amount of unearmarked contributions to the General Programmes in order to lend the requisite flexibility to the High Commissioner's actions;

(j) Agreed that the ceiling of the Working Capital and Guarantee Fund be raised to \$10 million, it being understood that, as hitherto, should the need arise in the future for any further adjustments to the ceiling of the Fund, the High Commissioner would bring this to the attention of the Committee.

B. Voluntary funds accounts for 1978 and report of the Board of Auditors

(Item 5 of the agenda)

132. Introducing the accounts for 1978 and the report of the Board of Auditors (A/AC.96/563), the Director of Administration and Management stated that as in former years the general format of the accounts had remained the same. Of the total income of over \$162 million in 1978, 90 per cent were contributions from over 80 Governments. Expenditure during the year totalled \$134,681,000, of which \$40.5 million related to projects funded from the General Programmes, including the Emergency Fund, and corresponding to 97 per cent of the programme target approved by the Executive Committee for 1978. Under Special Programmes, obligations amounted to \$94.2 million. 1978 expenditure was incurred for 861 individual projects, an increase of 200 projects over 1977. Up-to-date accounting equipment was now available to UNHCR and further improvements were being made to management information systems.

133. Turning to the report of the Board of Auditors, the Director of Administration and Management informed the Committee that, as regards the UNHCR procurement system, many of the suggestions put forward by the auditors were already being put into effect. With reference to delays by operational partners in submitting financial reports on programme expenditure, he stated that further improvements to facilitate continuous follow-up in order to ensure compliance by agencies and Governments alike with reporting requirements were under consideration.

134. The representative of Canada said that, due to the rapid expansion of UNHCR activities and the great increase in the financial resources at its disposal, it was important that the Office be able to adapt rapidly to those new requirements. Greater co-operation between Governments and UNHCR could be beneficial to the Office while at the same time providing Governments with a greater sense of participation in its activities and management. He therefore suggested the establishment of a sub-committee to deal with administrative, management and budgetary questions.

Decision of the Committee

135. The Executive Committee

(a) Took note of the accounts for the year 1978 and the report of the Board of Auditors thereon (A/AC.96/563);

(b) Took note of the report of the Advisory Committee on Administrative and Budgetary Questions in respect of the report of the United Nations Board of Auditors on the accounts of voluntary funds administered by UNHCR for the year 1978 (A/AC.96/563/Add.1).

C. Establishment of a UNHCR fund for durable solutions

(Item 7 of the agenda)

136. Introducing the proposal contained in document A/AC.96/569 concerning the creation of a fund for durable solutions, the Deputy High Commissioner said that

UNHCR believed that such a fund would offer possibilities for a new life to thousands of people all over the world. It would inscribe itself within the letter and spirit of the High Commissioner's mandate and would enable him to respond to specific needs for durable solutions on a large scale. A certain number of operations which the High Commissioner had undertaken as a result of General Assembly resolutions and at the request of the Secretary-General of the United Nations would fall within the purview of the fund.

137. The Deputy High Commissioner emphasized that the proposed fund would be intended for the resolution of refugee problems all over the world, would be used to pursue all possible durable solutions and would provide assistance to developing countries in their efforts to aid refugees. It would serve a catalytic purpose, linking projects for refugees with national economic and social development programmes, and would enhance the High Commissioner's and the international community's capacity to react more effectively and more speedily. In given situations, the fund was seen as a means of eliminating the need for frequent appeals relating to specific situations.

138. In the general and extensive exchange of views which ensued, many speakers expressed outright support for the proposal. Some indicated a willingness to contribute financially. Others responded favourably in principle to the concept, subject to certain reservations, or to the underlying idea of combining durable solutions for refugees with development assistance. They suggested the need for further discussion on the terms of reference of the proposed fund and the manner in which it would operate. Representatives and observers from African countries, in particular, expressed the hope that the proposed fund would ensure more equitable sharing of the total budget made available to UNHCR. The fund would thus help to relieve the political, social and economic strains imposed on developing countries by the presence of large numbers of refugees.

139. Two representatives said that it was not obvious that a new fund was required to reinforce the search for durable solutions; they entertained doubts as to whether the objectives of the proposed fund could not be achieved within the High Commissioner's existing terms of reference, given the flexibility which he had always been accorded. One representative pointed out that the High Commissioner had, for some years, already been supporting projects of the type for which the fund was intended. Other representatives expressed concern that the proposal might involve the type of development activities which were not the responsibility of UNHCR.

140. Speakers did not wish to see an independent bureaucracy set up. Close co-operation should be maintained with other bodies inside and outside the United Nations system to avoid duplication of effort. In that connexion, the representative from UNDP assured the Committee of the Programme's willingness to assist and provide advice in any further discussions which the Committee might deem necessary.

141. Several speakers felt that the consultative group of experts, which the High Commissioner proposed in paragraph 26 of document A/AC.96/569, should preferably be a sub-committee of the Executive Committee, which could co-opt experts as the need arose. At the end of the discussion, there was general agreement that the High Commissioner's proposal should be the subject of further study in a working group. The group would make recommendations to the Executive Committee at the earliest opportunity.

Decision of the Committee

142. The Executive Committee

(a) Approved, in principle, the concept and objectives of a UNHCR fund for durable solutions;

(b) Decided that the High Commissioner's proposals described in document A/AC.96/569 should be the subject of an expeditious and detailed study by a working group of the Executive Committee, under the chairmanship of its Chairman, and that this working group should report at the earliest opportunity to the members of the Executive Committee;

(c) Appointed the following members of the Executive Committee to serve as the nucleus of a working group: Argentina, Australia, Denmark, the Netherlands, Nigeria, the Sudan, Thailand, the United States of America and Zaire. This nucleus could be enlarged as appropriate by asking for views of other countries as well as of interested international bodies;

(d) Agreed that, pending the report of the working group, UNHCR open an account for the receipt of funds that donors would make available for projects such as those envisaged under the fund;

(e) Invited the High Commissioner to call an informal meeting of the Executive Committee as soon as possible and at the latest at the end of January 1980, to consider the report of the working group.

ANNEX

Opening statement made by the High Commissioner to the
Executive Committee on 8 October 1979

1. Mr. Chairman, on behalf of all my colleagues and myself, I would like to congratulate you most warmly on your election as Chairman of this session of the Executive Committee. I look forward to co-operating closely with you and am sure that, under your guidance, this will be a most constructive and interesting session. My congratulations also go to our distinguished Vice-President and Rapporteur.
2. May I also extend my deep appreciation to the outgoing office bearers - Ambassador Jay, Chairman, whose guidance has been so precious to the deliberations of this Committee and Mr. Mohammed and Mr. Griffin, who so ably served as Vice-President and Rapporteur.
3. Allow me, Mr. Chairman, to join you in welcoming the distinguished delegates of the nine new member countries, and to assure them in advance of the great value I attach to the contribution which they will undoubtedly make to the humanitarian tasks in which we are all involved.
4. In today's world, refugees and displaced persons occupy a prominent place. Even though considerable efforts have been mobilized to assist them, indeed often with success, their numbers are increasing, their tragedies burst upon the everyday scene and their sufferings reach new dimensions. However, though I am bound to voice a certain anxiety at the outset of this session of the Executive Committee, it is certainly not my wish to set a pessimistic tone for our discussions, but rather to stress their full importance. From time to time my colleagues and I have to step back from our daily tasks, review our past and current activities, and determine our policy and objectives for the long term. The role of the Executive Committee is fundamental in this respect. Its experience and capacity to apprehend the problems in all their complexity, and its aptitude in assisting my Office to look for ways to solve them, need no further demonstration.
5. To relieve human suffering, to find truly lasting and appropriate solutions for the problems of refugees, we would all like to take short cuts. Experience shows that this is rarely possible, but at least the tireless search for solutions, in a world persistently threatened and unstable, sometimes reaches a stage where skills, energy and resources come together to lift the humanitarian cause a great step forward. I should like to dwell for a moment on two of these important stages.
6. First, the Conference on the Situation of Refugees in Africa, held at Arusha in the United Republic of Tanzania, from 7 to 17 May last, under the auspices of the Organization of African Unity, the Economic Commission for Africa and my Office.
7. The Conference was of very great significance, as regards both the deliberations and the practical conclusions. I shall not summarize the contents of the far-reaching report that was submitted to and adopted by the OAU Council of Ministers, during their meeting at Monrovia from 6 to 15 July, and part of which has been distributed as an information document at this session of the Executive Committee. I should like, however, to underline a few particularly significant points.

8. In his introductory statement, His Excellency President Nyerere recalled that refugees in Africa, whether they be victims of racism, colonialism or social change, reflect a great diversity from all points of view and do not relinquish their individual attitudes or aspirations. He went on to say, and I quote: "All refugees are individuals with a right to life in Africa". He outlined the major principles and difficulties of the task, both in protection and assistance, stressed the right to asylum and non-refoulement, pointed out the setbacks experienced, and concluded: "I do not believe that dealing with the problems of 3.5 million people, and giving them a chance to rebuild their dignity and their lives, is an impossible task for 46 nations and their 350 million inhabitants". This statement was a great source of inspiration throughout the Conference, and still is for us all.

9. Receiving nations have their own problems to face and it is only after a certain period that refugees can stand on their own and contribute to the development of their countries of refuge. At Arusha, and also at Monrovia, during the OAU Council of Ministers and the summit conference of Heads of State and Government that followed, the African leaders strongly demonstrated that they appreciate the gravity of the problem and their responsibility to do all in their power to assist refugees. The peoples of the continent are offering their support, generously and with understanding. However, the number of refugees is immense. So are the needs. And international aid on a significant scale continues to be essential.

10. I would like to make one more remark on Arusha. This relates to refugees in rural areas. While considerable attention, and rightly so, was given to organized rural settlement, at no point did the Conference lose sight of individual refugees outside the settlements. Indeed, they are very numerous, and while a number succeed in integrating harmoniously with the local population, others live in extreme poverty and insecurity, striving for a minimum subsistence level. This is a fundamental human problem and one recommendation of the Arusha Conference says that studies of their situation should be undertaken with a view to formulating assistance programmes for them and securing the maximum necessary support. In general, efforts to solve the question of isolated refugees wherever they are in the world have received a valuable boost. The Arusha Conference is destined to evoke a vigorous response, and will contribute substantially to shaping my Office's work in Africa.

11. Another landmark this year was the Meeting on Refugees and Displaced Persons in South-East Asia, convened by the Secretary-General of the United Nations, which took place at Geneva on 20 and 21 July. The crisis that prompted the meeting needs no description. The problem itself, unfortunately, was not new; nor, fortunately, were the efforts to solve it. But never before had these efforts been on such a scale.

12. In December 1978 already, I had convened a Consultative Meeting with Interested Governments on Refugees and Displaced Persons in South-East Asia. At that time, the participants had stressed the urgent need to increase opportunities for resettlement, to accelerate departures, to save those in distress at sea, to offer substantial financial contributions and to devise various kinds of lasting solutions. The granting of asylum, at least temporarily, and the reunification of families were also among the immediate concerns. In July this year the problem had assumed the proportions of an appalling tragedy.

13. It was absolutely essential that the Meeting of 20 and 21 July should produce

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tangible results and show the refugees themselves that the idea of an international community capable of tackling a human problem, notwithstanding political and social differences, was not meaningless.

14. The practical results, both before and during the meeting, were encouraging. Offers for resettlement increased gradually, from 125,000 at the end of May to 260,000 for a 12-month period. After the July Meeting, a further 11,000 offers were received. Governments indicated their intention to offer large contributions in cash and in kind. Contributions, in principle, were also announced for the establishment of a fund to provide durable solutions. The idea of establishing refugee processing centres in the region was welcomed and practical offers were made by two Governments. Proposals were made regarding rescue at sea. This meant numerous and valuable offers that had to be taken up without delay. A momentum had been gained; it had to be maintained.

15. Thus, since the July Meeting, UNHCR has convened several meetings at Geneva, with governmental and non-governmental participation. The purpose has been to establish the bases for the rapid implementation of the resettlement offers, to study practical rescue measures, and to set up a standing co-ordinating mechanism for the organization of assistance from various sources, while avoiding duplication of effort. Missions have been sent to the field to organize resettlement on a broader scale, to promote the establishment of the refugee processing centres, and to study a resettlement and assistance programme in the People's Republic of China. Further measures were taken to improve conditions in the refugee camps and centres, and, in this connexion, UNHCR has continued to appeal to experts in fields as varied as social welfare, public health, engineering, sanitation, paediatrics and vocational training. UNHCR field and Headquarters personnel have been strengthened.

16. In Viet Nam itself, as is well known to the Committee, a Memorandum of Understanding was concluded on 30 May between the Government and this Office regarding a seven-point programme for the orderly departure from Viet Nam of "family reunion and other humanitarian cases". The programme commenced in June, and efforts are being directed towards establishing regularity of movement and accelerating the rate of departures, in co-operation with the Governments of receiving countries and the Vietnamese Government.

17. Have results been achieved since the Geneva Meeting? The answer is in the affirmative. If we consider resettlement - over 18,000 refugees were resettled in July. In August, over 20,500. In September, the figure was over 25,000. I think we can all agree that this is no mean achievement, especially when we remember that during the first half of the year the average monthly departures were fewer than 9,000.

18. In respect of refugee processing centres, it is hoped, following intense preparatory work with the two Governments that offered sites - Indonesia and the Philippines - that the centres will be open, to at least partial capacity, before the end of the year.

19. Among other activities, I should mention a sea-lift operation to move some 35,000 marooned on the Anambas Islands in Indonesia. To date, over 5,000 persons have been moved to Galang Island, mainly by the Indonesian Navy, but also by ships provided by voluntary groups.

20. A highly complex situation has thrown UNHCR into a wide range of new activities. The end of this problem - the end of so much anguish and suffering - is not yet in sight. But the lasting effects of the Geneva Meeting are there.

21. In his closing remarks at the Meeting of 20 and 21 July, the Secretary-General of the United Nations emphasized a very important primary factor for success when he said: "There was even the fear that this gathering could stray into a sterile and acrimonious debate which would aggravate even further the political atmosphere surrounding the refugee crisis. I think we can say with gratification that this has not been the case."

22. We are coming not only to the end of a year but also to the end of a decade. This break in time, though artificial, provides a useful reference point for wider reflection.

23. During this decade, UNHCR developed and expanded as never before. Solutions were found to many problems. And when one looks back over the last 10 years, there is one headline that might be put over our work, and that is: not in vain. The problems were big, often overwhelming, but many refugees were helped. New problems appeared, new solutions had to be found, and again: it was not in vain. We are often posed the question: how many refugees are there in the world? Sometimes it is worth while asking: how many refugees have been helped?

24. Year after year, under UNHCR auspices, large numbers of refugees have been settled in rural areas and in towns, and have thus been enabled to start a new life and build up an existence, where they can rely upon themselves.

25. The very nature of UNHCR responsibilities has undergone a substantial change under the pressure of world events and at the request of the international community. Already in 1971, the Secretary-General asked the High Commissioner to co-ordinate the humanitarian task undertaken by the United Nations for the benefit of millions of Bengali refugees in India. Later, Governments concerned, as well as the Secretary-General and the General Assembly, called upon the High Commissioner to act on behalf of displaced persons who, in many respects, found themselves in situations analogous to those of refugees. This was not altogether a novelty: the concept of good offices, introduced by the General Assembly in its resolutions from 1957 onwards, had already permitted UNHCR to help alleviate the plight of uprooted and displaced persons not strictly within the mandate. But the diversity and magnitude of special tasks entrusted to the High Commissioner during the 1970s has been unprecedented.

26. For instance, UNHCR had a major and constructive role to play in areas where peace had been restored after internal or international conflict. In the wake of peace agreements, UNHCR was called on to assist in the voluntary repatriation of refugees to their home countries and in their rehabilitation after their return. Also, UNHCR was requested to assist persons who had been displaced within their countries during conflicts, and who were enabled to return to their areas of origin. These were rewarding tasks, which, in the first half of the decade, enabled millions of persons to resume a normal existence in the Sudan, Bangladesh, Pakistan, the Lao People's Democratic Republic and Viet Nam. Then, UNHCR was called upon to set up programmes for the return home of refugees whose countries had become independent: I refer to Angola, Guinea-Bissau and Mozambique. More recently, when circumstances permitted, UNHCR engaged in large voluntary repatriation movements to Zaire and Burma. These activities have been performed with the constant support of Governments, non-governmental organizations, and the United Nations system. Here again, the work has not been in vain and results have been substantial. And yet, the end of the refugee problem as such recedes like the horizon as we try to reach it. Refugees and displaced persons are on all continents. Indeed, the root of the problem has, sadly, become more universal than ever.

27. Today, refugees arrive in great numbers in many countries and the predicament of large groups of displaced persons continues to demand large-scale assistance. In Somalia, the refugee population in camps was estimated at 220,000 three months ago - today it exceeds 300,000. In Djibouti, 10 per cent of the population are refugees. In Ethiopia, UNHCR is providing assistance to people displaced within the country as a result of the Ogaden conflict. In the Sudan, which has one of the largest refugee populations in the world, 30,000 Ugandan refugees have arrived in the south since May. Newly-arrived Ugandan refugees in Zaire - another country with a very large refugee population - total approximately 40,000. In Uganda, humanitarian assistance is in its initial stages and extends to refugees who had been displaced as a result of the events, to displaced nationals and to returnees. In Mozambique, the number of refugees has increased from 80,000 a year ago to 150,000 today. Following the change of circumstances in the country, the Government of Equatorial Guinea has just approached UNHCR to request assistance for the voluntary repatriation of refugees. Some 250,000 refugees crossed the Vietnamese border into China during 1978 and 1979. Hong Kong, Indonesia, Malaysia and Thailand have received tens of thousands of refugees this year. In Pakistan, where some 80,000 refugees were reported in April 1979, the Government now estimates the number at nearly 200,000. In Nicaragua, UNHCR is participating in the vast immediate relief and longer-term efforts: an estimated 100,000 refugees are returning, while some 500,000 persons may now go back to the homes they had abandoned. In Europe, the surge of refugees, including those from other countries, is also on the increase.

28. New activities begin before existing ones end, and the focus of UNHCR efforts in favour of refugees and displaced persons is ever-changing.

29. In its search for durable solutions, UNHCR meets great obstacles. Refugees are not always welcome. They may be at the cross-roads of conflicting interests. They may be causes for embarrassment or tension between States. They may be victims of violence: in the southern part of Africa, military incursions brutally frustrate efforts to find lasting solutions.

30. It is thus in the midst of a very demanding situation that we reach a new decade. What lessons, useful for the 1980s, can we draw from the 1970s? Essentially, UNHCR has had to adapt to an extraordinary variety of situations, each requiring different approaches and techniques. Its terms of reference have been considerably enlarged. International protection has become an increasingly delicate function, to which I shall revert. Material assistance programmes have reached extremely high levels. Resettlement in third countries, as a durable solution to refugee problems, has regained a considerable importance.

31. But can we know exactly what to expect in the next decade? Where will the new groups of refugees be? How many will there be? Shall we, at last, witness a decrease in the refugee problem? Will it disappear? To these questions I can give you no answers - they belong to the history of tomorrow.

32. For UNHCR in the 1980s, as long as there are refugee problems, we shall need a great capacity for response and innovation. UNHCR must be constantly prepared to adapt to circumstances, and I do not underestimate the difficulty of the task. UNHCR, however, must also be given the means to act. Governments and the international community will have to give the most tangible support. No doubt, with the progress of communications, awareness of refugee problems will continue to increase throughout the world, and this will help. The response must be equal to the challenge.

33. I should now like to address a number of considerations in the fundamental field of protection. The first requirement for the protection of refugees is to ensure that they receive permanent, or at least temporary, asylum and that the principle of non-refoulement is scrupulously observed. No refugee must be forced back to a country where he fears persecution. One hopes that this principle, which has repeatedly been breached during this decade, will no longer be subject to any derogations and will simply become an obvious necessity and a self-evident truth.

34. The international community has created a framework for the protection of refugee rights. It has done so in order to respond to a need. In exercising its international protection function, UNHCR draws its strength not only from its Statute, but also from universally recognized humanitarian principles.

35. Turning to accessions to international instruments. In 1969, 55 States were parties to the 1951 Convention relating to the Status of Refugees. This number is 76 today. Most of them are also parties to the 1967 Protocol. Eighteen States are parties to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Although there are large areas in the world still not covered by these instruments, these figures are encouraging, and indications are that further States are actively considering accession.

36. Protection also covers the all-important promotion of voluntary repatriation and family reunion. In the latter field, humanitarian par excellence, UNHCR has been instrumental, in co-operation with Governments concerned, in the departure of families from Eastern European countries, Southern Latin America and now Viet Nam to join relatives abroad.

37. The Sub-Committee of the Whole on International Protection, through its debates and conclusions, which are subject to endorsement by the Executive Committee, provides excellent guidance to the authorities of asylum countries. Since the creation of the Sub-Committee, the subjects selected for in-depth discussion have been asylum, non-refoulement, expulsion of refugees, determination of refugee status and travel documents. This year, the Sub-Committee has been discussing the question of refugees without an asylum country. Much ground has already been covered and the Sub-Committee has increasingly proved to be an instrument for strengthening refugee rights and promoting their ever-wider acceptance.

38. The ideal solution for a refugee is voluntary repatriation. When this is not feasible, durable settlement in countries of first asylum is the best alternative course of action. But when refugees are granted temporary asylum only, or when, for any reason, settlement in the countries where they first arrived is not possible or desirable, they still have a long journey ahead of them until they can start rebuilding their future. Resettlement in third countries becomes the only solution and, until it is achieved, refugees live in uncertainty. In camps, or outside, their life is full of difficulties, of frustrations, but also of hope.

39. Never in the history of this Office has the need for resettlement, in terms of numbers, been so pressing as it is today. For years during the decade, resettlement opportunities were vitally needed for Latin American refugees. This is no longer the case: the residual problem on that continent has been solved since we last met. The current needs are of limited scope and are met as they emerge. In Africa, where most refugees settle in their countries of first asylum, resettlement is sought for limited numbers. But, in the search for a global solution to the refugee problem in South-East Asia, resettlement is still at present one of the key answers.

40. Resettlement may play a fundamental role in emergency situations. On a number of occasions immediate resettlement proved to be the only way of saving refugees whose security was endangered. As regards rescue at sea, some States are only prepared to allow disembarkation against immediate guarantees of resettlement. Some flag States are not able to give such guarantees. Special offers by Governments to bridge this gap would meet an urgent humanitarian need and serve to avoid unnecessary hardship and human suffering.

41. Turning to the financial aspects of our activities, it has been gratifying to see that the contributions we have received have succeeded in keeping pace with our expenditures, despite the most dramatic and unforeseeable increase in requirements with which we have been faced in the course of this year, not only in South-East Asia but also in other parts of the world. So far, we have not had to diminish essential assistance under the General Programmes due to lack of funds, and I feel confident that this positive trend will continue for the remaining part of the year. However, I must voice my deep concern for the full financing of the 1980 requirements, which, under the General Programmes alone, will amount to some \$233 million, a figure of considerable magnitude, specifically if compared with the \$88 million target set a year ago for 1979. Never before has it been so important that Governments pledge their contributions as early as possible, hopefully at the annual Pledging Conference in New York, to be held this year on 16 November. Only through very substantial advance pledging can we start the 1980 assistance in an organized manner throughout the world. And, in this context, I wish to appeal to all Governments to announce as few earmarkings as legislatively possible, in order to ensure maximum flexibility in implementation, so that one programme of specific international attention does not benefit at the cost of less well-known but equally deserving refugee situations elsewhere in the world.

42. In our constant search for solutions, whether relating to voluntary repatriation, local settlement, or resettlement in third countries, new prospects have to be opened, new methods have to be tried. On this issue, I very much look forward to the guidance of the Committee when, during this meeting, we discuss the item of the creation of a fund for durable solutions, the concept of which is precisely to create new and additional possibilities for providing lasting solutions to refugee problems.

43. Before concluding, I would like to refer briefly to the staffing and administrative implications of the great increase in demands on this Office. Over the last five years we have had to double our staff. Even without the pressing needs in Asia, the expansion would have been considerable. Many more offices or missions have been opened than we have been able to close. Our involvement in the implementation of the programmes has of necessity become more operational and this in itself has required more staff. New and responsible positions have needed to be filled, sometimes at very short notice. In such circumstances, flexibility is essential if we are to discharge our responsibilities. With regard to UNHCR administrative costs, whatever their level, they should be carefully apportioned between the regular budget of the United Nations and voluntary funds. Herein lies a problem, for the level of the regular budget is determined by budgetary constraints unrelated to the needs of refugees. We shall be returning to this question later in the session.

44. I have sought to present to you what I might call a fleeting survey of our preoccupations. I would now like to add a few remarks before concluding.

45. First, we would never have achieved the results we have without the participation and support of the non-governmental organizations represented here

today. These organizations, day after day and year after year, have made their contribution throughout all continents to the long-term work on behalf of refugees. The unfailing collaboration of the Intergovernmental Committee for European Migration is also essential and highly valued. I also wish to express deep gratitude to the various members of the United Nations system who have reacted so positively in their respective fields to immediate and longer-term demands, both as regards material assistance and expert advice. This partnership, which has developed over the years, has become a fundamental element of efforts to meet the challenges with which we are continually faced.

46. I should also like to place on record my appreciation to the secretariats of the International Year of the Child in Geneva and New York, to UNICEF and the non-governmental organizations concerned, with which we have worked so closely in our common task of helping refugee children. The International Year of the Child is a very important event, which presents a unique opportunity to draw the attention of the international community to the plight of refugee children.

47. If UNHCR is at the hub of generous actions, it is also faced with daily human suffering. Its task is not to resolve the international problems that provoke the exodus of refugees. But we must do all within our power and competence to see that those who become refugees cease to be refugees within a reasonable period. It is for this reason that UNHCR must maintain its response capability at a high level, react dynamically and tread new paths.

48. During the last decade, as I recalled earlier, UNHCR has undergone great changes and I wish to assure you that I do not underestimate the necessity of adapting its structures as appropriate, both at Headquarters and in the field, and to look at our actions with a critical eye. The problems that are our responsibility are too important for us to allow ourselves to be overtaken by false complacency and I will be very receptive to any guidance and advice from the distinguished delegates present at this session. For we must find a solution to all problems of our concern. No situation must be allowed to sink into routine.

49. There are on all continents refugees who, caught up in the whirlwind of world events, are thrown into the foreground of publicity, where they make the headlines. There are others who remain mostly outside media coverage, but who are looked after adequately in the urban or rural community. Others again, who are very numerous and whose circumstances are just as deserving, are left in the background, beyond the reach of publicity, to such an extent that sometimes they are spoken of as "forgotten refugees".

50. It is unfortunately possible that a refugee may feel forgotten, that he may even lose all hope. But it is inconceivable that those who help refugees should become discouraged, or should overlook individual problems. Assistance to refugees calls for a profession of faith. As I have already stressed, the results obtained prove that the efforts made so far have not been in vain.

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