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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Thirty-seventh session

SUMMARY RECORD OF THE 412th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 October 1986, at 3 p.m.

Chairman: Mr. CHARRY-SAMPER (Colombia)

CONTENTS

Adoption of the draft report of the thirty-seventh session (continued)

Statement by the United Nations High Commissioner for Refugees

Closure of the session

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE DRAFT REPORT OF THE THIRTY-SEVENTH SESSION (agenda item 11)
(continued) (A/AC.96/XXXVII/CRP.1)

Specific areas: (d) Latin America and the Caribbean (paragraphs 86 to 89)
(continued)

1. Mr. von SCHUBERT (Federal Republic of Germany), Rapporteur, said that the final text of paragraph 88 now read: "The delegate of Costa Rica sought the allocation of more funds for Central American refugees, especially in his country, in view of the influx of refugees from Nicaragua as a result of human rights violations in that country. The delegate of Nicaragua objected to this statement, denying the existence of such violations, and stated that the external aggression imposed on his country is the principal cause of the instability of the region and consequently of refugee movements. The delegate of the United States regretted that political elements had been introduced into this humanitarian forum".
2. Mr. LUNA (Colombia) requested that the first sentence of paragraph 89 should be amended to read: "One speaker pointed out inadequacies in the figures and estimates for 1987 submitted in UNHCR's documentation and expressed his fear that this might lead to a reduction of the indispensable activities of UNHCR in Latin America".
3. Paragraphs 86 to 89, as amended, were adopted.

Specific areas: (e) Middle East, North Africa and South-West Asia
(paragraphs 90 to 96)

4. Mr. von SCHUBERT (Federal Republic of Germany), Rapporteur, said that the following words should be added at the end of the second sentence of paragraph 92: "and expressed the view that the voluntary return of the 200,000 Cypriot refugees to their homes was the only durable solution to their plight".
5. Mr. NAFFAH (Lebanon) said that the word "appreciation" in the first sentence of that same paragraph should be changed to read "recognition".
6. Mr. von SCHUBERT (Federal Republic of Germany), Rapporteur, said that the words "and should be responsible for its resolution" should be added at the end of paragraph 93.
7. Mr. TLILI (Tunisia) agreed with the suggestion made by the Rapporteur. In addition, he proposed that the first part of that paragraph be deleted since it merely reiterated a point already made in paragraph 47 and was therefore superfluous.
8. Mr. AL KADHI (Observer for Iraq), referring to paragraph 94, said that his delegation had already drawn attention to the efforts made by the Government of Iraq to host as many refugees as possible, and would like its statement in that regard to be reflected in the report.

9. Mr. von SCHUBERT (Federal Republic of Germany), Rapporteur, said that the words "required by the High Commissioner" in the third sentence of paragraph 95 should be replaced with the words "that the High Commissioner could demand and to which Morocco was prepared to subscribe". In the fourth sentence of the same paragraph, the words "more than" should be deleted. Also, the last two sentences should form a separate paragraph.

10. Paragraphs 90 to 96, as amended, were adopted.

Reorganization of UNHCR/Administrative issues (paragraphs 97 to 107)

11. Mr. ANDRES (Switzerland) proposed that the words "several speakers" at the beginning of paragraph 99 and "a number of delegates" at the beginning of paragraph 100 should be amended, respectively, to read "numerous speakers" and "several delegates".

12. Mr. MTANGO (United Republic of Tanzania) requested that the first sentence of paragraph 104 be amended to read: "Some delegations expressed the view that staffing in the Office, particularly at headquarters, should adequately reflect, both in number and level, recruitment from first-asylum developing countries hosting large numbers of refugees."

13. Mr. van den BERG (Netherlands) proposed that the end of the last sentence of paragraph 106 should read: "this was also necessary to create confidence in the field".

14. Paragraphs 97 to 107, as amended, were adopted.

Fund raising (paragraphs 108 to 113)

15. Paragraphs 108 to 113 were adopted.

Non-governmental organizations (paragraphs 114 to 116)

16. Paragraphs 114 to 116 were adopted.

Inter-agency co-operation (paragraphs 117 to 119)

17. Mr. OSMAN (Sudan) said that his delegation wished the report to state that one delegation had reservations about the inclusion of ICM in paragraph 118 regarding operational collaboration with UNHCR.

18. Paragraphs 117 to 119, as amended, were adopted.

Responses of UNHCR (paragraphs 120 to 122)

19. Mr. HUSLID (Norway) requested that the words "impede the Office's effectiveness" be changed to "impede the Office from accomplishing its basic task" in order to reflect accurately the statement referred to regarding zero growth, which had been made by his delegation.

20. Paragraphs 120 to 122, as amended, were adopted.

Adoption of the draft agenda for the thirty-eighth session (paragraph 123)

21. Paragraph 123 was adopted.

Decisions and conclusions of the Committee

Decisions on general matters

22. Mr. van den BERG (Netherlands) proposed that paragraph (e) of the decisions on general matters be amended to read: "Endorsed the emphasis placed by the High Commissioner upon closer consultation with the Executive Committee and with Governments and regional groups concerned with refugees and encouraged further efforts to mobilize broader international support for the refugee issue."

23. The decisions on general matters, as amended, were adopted.

International protection - general conclusions

24. Mr. HACENE (Algeria) requested that the fourth paragraph of the draft general conclusions on international protection should be amended, after the words "voluntary repatriation", to read: "taking into account Conclusions No. 18 and 40 adopted by the Executive Committee at its thirty-first and thirty-sixth sessions respectively".

25. The general conclusions on international protection, as amended, were adopted.

Conclusions on accession to international instruments and their implementation

26. The conclusions on accession to international instruments and their implementation were adopted.

Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees

27. The Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees was adopted.

Conclusions on detention of refugees and asylum-seekers

28. The conclusions on detention of refugees and asylum-seekers were adopted.

Conclusions on military and armed attacks on refugee camps and settlements

29. The conclusions on military and armed attacks on refugee camps and settlements were adopted.

Decisions on assistance activities, durable solutions, refugee aid and development

Section A (General)

30. Mr. MTANGO (United Republic of Tanzania) proposed in paragraph (1) to insert the phrase "given to the United Nations system" after the words "rate of exchange". While his delegation's initial feeling had been to delete the

entire paragraph in view of the fact that the implications of the expression "most favourable legal rate of exchange" were not clear, it had decided to propose an amendment to make it plain that, as the paragraph asked, UNHCR should be treated on an equal footing with all other United Nations agencies in respect of the most favourable rate of exchange.

31. Mr. van den BERG (Netherlands), supported by Mr. KELLEY (United States of America), Mr. ABDULLAH (Observer for Ghana) and Mr. TICHY (Austria) entered a reservation in respect of the proposed amendment in view of the fact that it was difficult to assess its implications.

32. Mrs. BIHI (Observer for Somalia), supported by Mr. HASSAN (Sudan), welcomed the amendment by the United Republic of Tanzania, since in that the paragraph applied to donor countries, the least developed countries like Sudan and Somalia could also be considered to be donor countries if the amount of assistance provided to refugees was quantified and compared with that given by the countries making the highest contributions to refugee programmes. The developing countries had serious financial and economic problems and could not give a privileged position to certain bodies within the United Nations system while under pressure to give a favourable exchange rate to the rest of the United Nations system as well.

33. Mr. KELLEY (United States of America), supported by Mr. van den BERG (Netherlands), said that no infringement of national sovereignty was intended; Governments would in any case decide individually what rate of exchange they would use.

34. The CHAIRMAN noted that the text involved no decision and imposed no obligations.

35. Mr. MTANGO (United Republic of Tanzania) proposed, as a compromise solution, to withdraw the amendment and amend the first phrase of paragraph (1) to read: "Consider it advisable for Governments to grant ...".

36. The CHAIRMAN said that paragraph (1) would be amended to reflect the compromise solution proposed by the Tanzanian representative.

37. Mr. MSIMANG (Observer, African National Congress) proposed that an additional paragraph should be included under section A, to read: "Calls upon the High Commissioner, in accordance with the resolutions of the General Assembly, to continue assistance to refugees under the care of national liberation movements recognized by the Organization of African Unity."

38. Mr. KELLEY (United States of America) said that his delegation, in the absence of a full understanding of the implications of the phrase "resolutions of the General Assembly", would like to see that phrase deleted.

39. Mrs. BIHI (Observer for Somalia) suggested that, in order to meet the concerns of both parties and in accordance with the usual United Nations language, the phrase in question might read "in accordance with the relevant resolutions of the General Assembly".

40. Mr. KELLEY (United States of America) requested a short suspension of the meeting to allow his delegation to consult with the Secretariat.
41. The meeting was suspended at 5.48 p.m. and resumed at 5.55 p.m.
42. The CHAIRMAN announced that after consultations, the following compromise text had been proposed: "Calls upon the High Commissioner, in accordance with the relevant resolutions of the General Assembly, and in conformity with the usual practice of the High Commissioner, to continue assistance to refugees under the care of national liberation movements recognized by the Organization of African Unity and the United Nations."
43. Mr. MTANGO (United Republic of Tanzania), supported by Mr. MSIMANG (Observer, African National Congress), requested an explanation of the reference to "the usual practice of the High Commissioner", which appeared to be rather vague.
44. The CHAIRMAN explained that that reference signified that the High Commissioner would continue the work he had been doing in previous years, in the spirit and within the parameters of United Nations provisions.
45. Mr. HOYNCK (Federal Republic of Germany), pointed out that in his delegation's understanding, the proposed new paragraph, which had been submitted rather late in the proceedings, involved no substantive change. For that reason, his delegation had agreed to a difficult consensus, the situation would otherwise be completely different.
46. Mr. MTANGO (United Republic of Tanzania) said that the query had been based on what was reflected in the documentation and during the course of the debate. However, in the interests of expediting the conclusion of the Executive Committee's work, he proposed that the text should make it clear that the reference to "usual practice" did not preclude increased assistance, which was particularly crucial at the current time. Under those conditions, the text would be acceptable.
47. Mr. KELLEY (United States of America), referred to his earlier comment that UNHCR provided assistance to refugees and not to asylum countries: in that same spirit, assistance by the High Commissioner was given to refugees and not to national liberation movements. If the Tanzanian representative had been referring to increased amounts of assistance under existing programmes, he himself would have no objection. However, it was unacceptable to his delegation that increased assistance should be provided for the purpose of moving into new areas.
48. Mr. MTANGO (United Republic of Tanzania) stressed that the assistance in question was not meant for asylum countries but for refugees in the care of national liberation movements.
49. The CHAIRMAN said that the additional paragraph proposed by the Observer for the African National Congress, as amended, would be inserted in Section A.
50. Section A (General), as amended, was adopted.

Section B (UNHCR's role in promoting durable solutions)

51. Miss PEARCE (Australia) proposed to amend the first phrase of paragraph (k) to: "Noting the valuable support of the 'Disembarkation Resettlement Offers' (DISERO) scheme ...", and in the fourth line of the paragraph to replace the words "Renew and extend" by "continue".

52. Section B (UNHCR's role in promoting durable solutions), as amended, was adopted.

Section C (Refugee Aid and Development)

53. Mr. HASSAN (Sudan) said that the wording of new paragraph (b) (former paragraph (c)) ran counter to the spirit of what the Executive Committee had embarked upon in the notion that the inputs of countries of asylum and countries of returnees could be quantified on an equal basis; that was not substantiated by the facts. It also ran counter to the High Commissioner's emphasis on redressing the negative impact of the hosting of large numbers of refugees by least developed countries with very frail infrastructures. He proposed to insert in that paragraph, following the word "represented", the phrase "and on the bilateral level".

54. The CHAIRMAN said that the amendments proposed by the representative of Sudan would be incorporated in new paragraph (b).

55. Mr. KELLEY (United States of America), referring to new paragraph (d), (formerly (e)) said that the problem was to find the appropriate agency to undertake developmental activities in refugee-impacted areas. As the paragraph stood, it went too close to asking the High Commissioner himself to undertake such activities, something which fell outside his mandate. He proposed that the paragraph should begin: "Urged the High Commissioner to intensify his efforts to promote developmental activities benefiting refugees and returnees in co-operation ...".

56. Mr. van SCHAIK (Netherlands), supported by Ms. AHLUWALIA (Canada) and Mr. NAKAMURA (Japan), endorsed the view expressed by the delegation of the United States.

57. Mr. MSIMANG (Observer, African National Congress) said that he was concerned that there was no indication of assistance being continued to national liberation movements under the mandate given to the Executive Committee by the General Assembly. He proposed that some reference to such movements should be inserted in paragraphs (a) and (b).

58. Mr. MTANGO (United Republic of Tanzania) said that, if the proposal by the United States was correctly interpreted, it would mean that the High Commissioner and the development agencies would simply promote assistance to refugees. That would have dangerous implications since, while the role of the High Commissioner should indeed be limited, that of the agencies was to provide assistance. An improvement in wording, so as to involve the High Commissioner to the greatest extent possible, was required.

59. Mr. KELLEY (United States of America) proposed to replace the words "in co-operation with" by "undertaken by". Where promotion was concerned, the Executive Committee would hardly wish to ask the High Commissioner to initiate

activities that properly came under the legal mandate of other United Nations bodies. Promotion was already a step towards assisting refugees and regions affected by large numbers of refugees.

60. Mr. MTANGO (United Republic of Tanzania) proposed that the word "actively" should be inserted before "promote".

61. The CHAIRMAN said that new paragraph (d) would reflect the amendments made by the delegations of the United States of America and the United Republic of Tanzania.

62. Mr. HASSAN (Sudan) said that his delegation objected to new paragraph (c) (formerly (d)), considering that it was one-sided because it entailed adding to the burden of asylum countries, a problem which was an international responsibility. The inclusion of development-oriented refugee programmes in development plans took a great deal of political will and the parties involved should be addressed.

63. He therefore proposed to replace new paragraph (c) by the following:

"(c) While requesting Governments of countries of asylum to give consideration to linking, whenever possible, development-oriented refugee programmes in their regional or national programmes, the international community, multilaterally and bilaterally, and in co-ordination with UNHCR, are requested to avail additional resources in order to encourage and induce those asylum country Governments to attain that degree of compatible linkage between refugee aid and development".

64. Mr. von SCHUBERT (Federal Republic of Germany), Rapporteur, after consultation with the delegation of Sudan, read out an amended version of the text: "Requested Governments of countries of asylum to give consideration to linking, whenever possible, development oriented refugee programmes in their regional or national programmes, also requested the international community, multilaterally and bilaterally, and in co-ordination with UNHCR, to allocate additional resources in order to encourage those asylum country Governments to attain that degree of compatible linkage between refugee aid and development.".

65. Mr. ANDRES (Switzerland) said that his delegation would have some difficulty in accepting the new paragraph (c), since its present wording would impose an obligation on Governments even though they all were committed to doing their utmost to support asylum countries hosting large numbers of refugees. He therefore suggested that the words after "consideration" should be replaced by the following text:

"to the implementation, with the assistance of the international community, both multilaterally and bilaterally, and in co-ordination with UNHCR, of development-oriented programmes addressed to refugees and local populations within regional or national development plans".

66. That version would have the advantage of retaining the wording of the paragraph as submitted but would be in keeping with the spirit of what the representative of Sudan wished to see reflected.

67. The CHAIRMAN said that the amendment proposed by the delegation of Switzerland would be incorporated in new paragraph (c).

68. Section C (Refugee Aid and Development), as amended, was adopted.

69. The decisions on assistance activities, durable solutions, refugee aid and development, as amended, were adopted.

Decisions on administrative and financial matters

Section A

70. Mr. HILL (Canada) said that in order to ensure that the section reflected more accurately the Committee's discussions and conclusions on the matter, particularly in relation to the crucial link between financial targets and the volume of resources available to meet them, his delegation wished to propose the addition of the following text to the present wording:

"Emphasized the need for realistic programme and budget planning, coupled with careful periodic review of the approved financial targets, and endorsed UNHCR's commitments and efforts to this end".

71. The CHAIRMAN said that the text proposed by the Canadian representative would be incorporated in the section.

72. Section A, as amended, was adopted.

Section B

73. Section B was adopted.

Section C

74. Section C was adopted.

Section D

75. Mr. NAKAMURA (Japan) proposed the insertion in paragraph (c) between the words "appreciation" and "for" of the words "and encouragement".

76. Section D, as amended, was adopted.

Section E

77. Section E was adopted.

Section F

78. Section F was adopted.

Section G

79. Mr. STAUER (Denmark) said that in view of the discussions in the Committee on the question, his delegation wished to propose the replacement of the word "take" by the words "propose possible" in paragraph (d).

80. Mr. NAKAMURA (Japan), referring to paragraph (b), proposed the insertion, after the word "women", of the words "while keeping in mind the standards of competency and efficiency.

81. Mr. van SCHAIK (Netherlands) said his delegation did not think that the Japanese amendment was necessary because the matter was already dealt with in paragraph (a). In his opinion, the Japanese delegation's point could be met if paragraph (a) was amended to read: "Invited the High Commissioner to pursue a personnel policy based on the highest standards of competence and integrity, while emphasizing the broadest possible geographical representation of States."

82. Mr. KELLEY (United States of America) supported the Netherlands proposal.

83. With regard to the amendment by the Danish delegation, he recalled that the Committee had agreed not to delay action on redressing the situation facing staff at difficult field duty stations and had therefore wished to say "take measures now" rather than "propose measures".

84. Mr. STAUER (Denmark) thought that paragraph (b) should be retained in its present form.

85. Mr. HACENE (Algeria) said that the matter was a very simple one in view of the fact that the point raised by the Japanese delegation was addressed in paragraph (a). Furthermore, since paragraph (b) had been agreed upon by the Friends of the Rapporteur, he believed that it should be retained in its present form.

86. Mr. van SCHAIK (Netherlands) suggested that paragraph (a) should be amended to read:

"Invited the High Commissioner to pursue a personnel policy based on the highest standards of competence and integrity, while emphasizing the need for a broad representation of States having an interest in refugee matters."

87. UNHCR was a unique body and therefore countries which were particularly affected by the refugee problem had a special interest in being represented in the Office.

88. Mr. HACENE (Algeria) said his delegation did not believe that it was possible at that stage to accept a new idea. He recalled the agreement reached on the text after a long discussion on Saturday, 11 October, and said that the existing text met the concerns expressed.

89. Mr. MTANGO (United Republic of Tanzania) said that he had intended to propose the addition, after the word "integrity" in paragraph (a), of the following text:

"and bearing in mind the desirability of increased recruitment from developing countries hosting large numbers of refugees."

However, his delegation could accept the Netherlands proposal and withdraw its own.

90. Mr. AZOCAR (Venezuela) said that his delegation had some difficulty in accepting the text proposed by the Netherlands representative, since the phrase "States having an interest in refugee matters" would limit the representation of States. However, if those words were deleted, it would be able to accept the text.

91. Mr. RICCHERI (Argentina) said that delegations seemed to be engaged in a new debate on section G and to be overturning what had been agreed upon on Saturday. He therefore shared the view that the section should remain as it stood.

92. Mr. HACENE (Algeria) said that his delegation could accept the amendment proposed by the Tanzanian representative.

93. In response to a question by the CHAIRMAN, Mr. NAKAMURA (Japan) said that his delegation would withdraw its amendment on the understanding that paragraphs (a) and (b) would be retained in their present form.

94. Mr. STAUER (Denmark), referring to paragraph (d), said that his delegation understood the concern expressed by the United States representative that measures should be taken immediately. It therefore proposed that the word "take" should be retained and that the words "compatible with the common system" should be inserted after the word "measures". In that way, the Committee stressed that it was not inviting the High Commissioner to do anything incompatible with the common system in which UNHCR salaries were included.

95. Mr. KELLEY (United States of America) said that his delegation was pleased to accept the Danish proposal.

96. Mr. HOCKE (United Nations High Commissioner for Refugees) said that the very limitations of the common system had led the Executive Committee a few years previously to agree on the establishment of a Revolving Fund for improvement of the conditions of service for field staff. A proposal made in relation to the common system would be a definite regression.

97. Mr. de MELLO (Secretary of the Committee) read out the proposed text of paragraph (d): "Invited the High Commissioner to take all possible measures within the spirit of the Revolving Fund to improve the conditions of service for staff at difficult field duty stations and to make proposals to the Executive Committee for further improvements.". In reply to a question by the representative of the United States, he said that only the regular session of the Executive Committee was empowered to take decisions. However, that should not prevent the High Commissioner from making suggestions to the informal sessions of the Executive Committee for consideration and reflection, pending a final decision at the October regular session.

98. Mr. STAUER (Denmark) said that his delegation accepted that formulation on the understanding that the High Commissioner would provide a comprehensive report to future informal sessions of the Executive Committee on measures taken in respect of the first part of the proposal.

99. Section G, as amended, was adopted.

100. The decisions on administrative and financial matters, as amended, were adopted.

Decision on the Rules of Procedure

101. The decision on the Rules of Procedure was adopted.

102. The draft report on the thirty-seventh session of the Executive Committee of the High Commissioner's programme, (document A/AC.96/XXXVII/CRP.1), as amended, was adopted.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

103. Mr. HOCHE (United Nations High Commissioner for Refugees) said that the current session of the Executive Committee had developed quite differently from previous sessions, thanks to the considerable work performed by the Working Group in the summer. The final report showed that the decisions taken had been justified, and he would like to thank everyone involved for the constructive spirit brought to the work. He believed that the distinction between donor and receiving countries, to the extent that it had existed, was gradually disappearing in favour of a collective effort to arrive at solutions. The texts adopted showed the will of all to tackle solutions together and to make that word cover specific realities. The debate had reflected the will of all to study solutions simultaneously, whether they resulted in repatriation, resettlement or local integration. It had also been recognized, as reflected by a number of the texts adopted, that countries of first asylum must be encouraged to continue their policy of hospitality towards refugees temporarily on their soil.

104. In order to succeed, the work of UNHCR required a very special approach. The need for UNHCR to hold consultations and to negotiate with authorities directly involved in problems that were often complex, and the need for the members of the Executive Committee to participate not only in seeking but in implementing solutions, must be met in a true spirit of peace. In that respect, humanitarian work differed from purely political work, but the solutions it provided helped to create the conditions necessary for resuming political dialogue whenever it was interrupted. In conclusion, he expressed his confidence in the support and participation of all the members of the Executive Committee.

CLOSURE OF THE SESSION

105. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 6.15 p.m.