

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

**GENERAL ASSEMBLY**

OFFICIAL RECORDS: THIRTY-SEVENTH SESSION

SUPPLEMENT No. 12A (A/37/12/Add.1)



**UNITED NATIONS**

50 p.



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New York, 1982

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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(Geneva, 11-20 October 1982)

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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 THIRTY-THIRD SESSION\*

(Geneva, 11-20 October 1982)

I. INTRODUCTION

1. The Executive Committee of the High Commissioner's Programme held its thirty-third session from 11 to 20 October 1982 at the Palais des Nations, Geneva. The session was opened by the outgoing Chairman who, in a brief statement, welcomed in particular Namibia, represented by the United Nations Council for Namibia, which had been elected to membership of the Committee (Economic and Social Council decision 1982/110 of 16 April 1982). On his proposal, the members of the Committee then observed a minute of silence in tribute to the memory of the refugees who had died since the thirty-second session of the Committee.

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:

<u>Chairman:</u>	Mr. I. Kharma (Lebanon)
<u>Vice-Chairman:</u>	Mr. H. Ewerlöf (Sweden)
<u>Rapporteur:</u>	Mr. I. Lejri (Tunisia)

B. Representation on the Committee

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

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

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\* Previously issued under the symbol A/AC.96/614.

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

Angola	Guatemala	Pakistan
Bolivia	Haiti	Panama
Botswana	Honduras	Peru
Burundi	India	Philippines
Chile	Indonesia	Portugal
Congo	Iraq	Senegal
Costa Rica	Ireland	Somalia
Cyprus	Jordan	Spain
Cuba	Kuwait	Syrian Arab
Democratic Kampuchea	Libyan Arab Jamahiriya	Republic
Djibouti	Luxembourg	United Arab
Dominican Republic	Malaysia	Emirates
Egypt	Mexico	United Republic of
El Salvador	Mozambique	Cameroon
Ethiopia	New Zealand	Viet Nam

The Sovereign Order of Malta was also represented by an observer.

5. The United Nations system was represented as follows:

United Nations Secretariat  
Office of the United Nations Commissioner for Namibia  
United Nations Research Institute for Social Development (UNRISD)  
Office of the United Nations Disaster Relief Co-ordinator (JNDRO)  
United Nations Conference on Trade and Development (UNCTAD)  
United Nations Industrial Development Organization (UNIDO)  
United Nations Children's Fund (UNICEF)  
United Nations Development Programme (UNDP)  
United Nations Volunteers programme (UNV)  
World Food Programme (WFP)  
International Labour Organisation (ILO)  
Food and Agriculture Organization of the United Nations (FAO)  
World Health Organization (WHO)  
World Bank  
Universal Postal Union (UPU)  
World Meteorological Organization (WMO)  
International Maritime Organization (IMO).

6. The following intergovernmental organizations were represented by observers:

Commission of the European Communities  
Intergovernmental Committee for Migration (ICM)  
Islamic Development Bank  
League of Arab States  
Organization of African Unity (OAU).

7. The African National Congress of South Africa (ANC), the Pan-Africanist Congress of Azania (PAC), and the South-West Africa People's Organization (SWAPO) were also represented at the meeting.



### C. Adoption of the agenda

8. The Executive Committee decided to adopt the following agenda:
  1. Opening of the session.
  2. Election of officers.
  3. Adoption of the agenda and other organizational matters (A/AC.96/608).
  4. General debate.
  5. International protection (including consideration of the report of the Sub-Committee of the Whole on International Protection (A/AC.96/613)) (A/AC.96/609/Rev.1 and Corr.1).
  6. UNHCR assistance activities (A/AC.96/606 and Corr.1 and 3, 607, 610 and Corr.1).
  7. Administrative and financial matters (including the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/612)) (A/AC.96/604 and Add.1, 606 and Corr.1 and 3, 610 and Corr.1, 611 and Corr.1 and Add.1).
  8. Status of contributions and overall financial requirements for 1982 and 1983 (A/AC.96/605).
  9. Consideration of the provisional agenda of the thirty-fourth session of the Executive Committee.
  10. Any other business.
  11. Adoption of the draft report of the thirty-third session.

### D. Opening statement by the Chairman of the Executive Committee

9. The newly elected Chairman of the Executive Committee paid tribute to the outgoing Chairman and Rapporteur and thanked those who had proposed and seconded his nomination. He said that, during the last four years, the refugee problem had progressed relentlessly both in magnitude and complexity. The new and continuing influxes during that period had called for intensive and sustained efforts by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community.

10. The General Assembly had addressed itself to a wide range of situations relating to refugees and displaced persons and adopted a number of resolutions calling for particular action or attention to problems relating to groups of persons of concern to UNHCR.

11. It had been most gratifying to note, the Chairman continued, that the response of the international community to the initiatives undertaken by the High Commissioner had been positive and swift, and that the High Commissioner, for

his part, had continued his close and regular contacts and information-sharing with all sectors of the international community.

12. During the same period, the importance of the voluntary agencies and non-governmental organizations, often the operational partners of UNHCR, had continued to grow; many of them, such as the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies, had justifiably gained international praise for their work.

13. In the evolution of refugee programmes from emergency aid and relief, care and maintenance to the achieving of durable solutions, a field-oriented policy by the High Commissioner and closer co-ordination with other agencies was deemed necessary.

14. In the field of international protection, the Chairman continued, important and serious challenges remained. The origin of most of today's refugee situations was the consequence of armed conflicts or internal upheaval. As a result, it had become necessary to focus on more objective and broader criteria, rather than applying individual criteria in determining the status of refugees. In this connection, it had been gratifying to note that the Sub-Committee of the Whole on International Protection, at its session preceding the thirty-second session of the Executive Committee, had incorporated the wider definition figuring in the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in its conclusion on the protection of asylum-seekers in situations of large-scale influx and that, similarly, the General Assembly had equally adopted wider criteria when referring to persons in refugee-like situations.

15. The increasing concern with the root causes of refugee situations would, the Chairman hoped, contribute towards promoting more satisfactory conditions in the countries of origin, thus pre-empting the exodus of refugees. Meanwhile it was, however, necessary for the Committee to direct its attention to the serious issues relating to military attacks on camps and settlements of concern to UNHCR and to the question of rescue of refugees in distress at sea.

16. In implementing its activities, the Chairman stated, UNHCR needed a modern, well-structured and highly qualified field service as well as a sound flow of policy directives and administrative instructions between headquarters and the field.

17. In conclusion, the Chairman expressed the hope that the Committee would be able to formulate constructive solutions to the problems facing UNHCR in the areas of protection and administration and management so as to continue the progress that had been achieved in those areas.

## II. GENERAL DEBATE

(Item 4 of the agenda)

18. All speakers congratulated the members of the Bureau on their election and expressed particular sympathy to the Chairman whose country, Lebanon, had recently been the tragic scene of cruel and inhuman attacks on refugee camps. Those were unanimously condemned.

19. Representatives had listened with interest and appreciation to the introductory statement of the High Commissioner, which is reproduced in the annex to the present report. Its changed pattern was well attuned to the current preoccupations of the Committee; it represented a thought-provoking assessment of the problems and complex issues of fundamental importance facing his Office. In commenting on the speech, speakers paid tribute to the High Commissioner and his staff for the invaluable work that the Office continued to perform on behalf of refugees throughout the world.

20. Many speakers noted with relief that the year since the last session of the Executive Committee had seen no major new flows of refugees; however, the global refugee situation remained distressingly severe and there was every indication that refugee issues would continue to require close attention in the coming years. Sustained efforts would thus be needed to alleviate the plight of the millions of refugees and to intensify the search for durable solutions. Furthermore, the international community had an obligation to do its utmost to ease the socio-economic burden placed on the countries of asylum that had so generously received the refugees.

21. In the circumstances, it was vitally important to come to grips with the root causes leading to refugee situations through all possible efforts in the appropriate forums. Recent initiatives in that regard were welcomed - notably the Study on Human Rights and Mass Exoduses, submitted to the Commission on Human Rights at its thirty-eighth session and General Assembly resolution 36/148 of 16 December 1981 on international co-operation to avert new flows of refugees - and the importance of furthering those and other efforts were underlined.

22. It was recognized that the causes and effects of refugee situations were intricately linked. At the same time, however, all speakers emphasized the importance of the purely humanitarian and non-political character of the High Commissioner's activities, which was a prerequisite for the effective protection of and assistance to refugees and displaced persons of concern to the Office. Within that framework, a few delegations, nevertheless, felt that the High Commissioner did have some flexibility - through his regional approach to refugee problems - to affect events which might otherwise give rise to refugee flows. Likewise, the High Commissioner could exercise his moral authority by speaking out against gross violations of human rights.

23. Many speakers recalled that the unprecedented growth of refugee problems since the latter part of the 1970s had constituted a challenge to UNHCR. The General Assembly had consequently entrusted the UNHCR with tasks that went beyond its traditional responsibilities according to the Statute. Thanks to the flexibility of its mandate, UNHCR had been able to adapt its activities, in a pragmatic way, to serve the cause of refugees and displaced persons of concern to the Office.

As such, the mandate was adequate in dealing with evolving refugee situations. Certain speakers felt that there was room for refining the application of the mandate. Many other speakers believed the mandate should remain unchanged. With specific reference to the forthcoming debate in the General Assembly on the continuation of UNHCR, there was agreement that the Office ought to be continued for another period of five years. One speaker felt that the Office should be placed on a permanent footing.

24. During a period of increasing roles and responsibilities, UNHCR had attempted, often in response to specific requests, to provide members of the Executive Committee with more information in terms of quality and quantity. Speakers welcomed the improved flow of information between the Office and members of the Executive Committee. The documentation for the current session of the Committee, periodic information letters on various aspects of the Office's activities, as well as informal meetings, including the seminar on "Guidelines for UNHCR activities", were all good examples of increased transparency. Some speakers, while commending the progress made, felt that there was room for further improvements, whereas others maintained that the constant demand for more information must not create an excessive administrative burden for UNHCR.

25. The increasing responsibilities of UNHCR underlined the role of the Executive Committee in fully discharging its functions in accordance with the relevant resolutions of the General Assembly and the Economic and Social Council. A continuing dialogue between all members of the Executive Committee and the High Commissioner's Office was mutually beneficial and, in the final analysis, in the interests of refugees. One speaker suggested that more active participation of the Executive Committee would be facilitated by the inclusion of an additional item on the agenda concerning action taken in response to decisions by the Executive Committee at its previous session. Others stated that whereas the Executive Committee should evidently play its full part, the High Commissioner should retain his flexibility as the Committee would not wish to encroach upon his responsibilities.

26. A large number of speakers stressed the fundamental importance of the Office's international protection function. They voiced deep concern at the continuing serious violations of the basic rights of refugees through military attacks on refugee camps, refoulement and detention. They also recalled the need for Governments to adhere to the relevant international refugee instruments. The need for Governments to co-operate with the High Commissioner to facilitate the exercise of his international protection function was also stressed.

27. A number of representatives also stressed the important contribution of the Sub-Committee on International Protection in defining and confirming the principles of international protection. Other questions mentioned in the general debate regarding international protection are reported under that item.

28. It was clear to most speakers that the Sub-Committee on Administrative and Financial Matters, established in 1981 by the Executive Committee, had proved its value and was operating well, within its terms of reference. The debates in the Sub-Committee had allowed members to become more aware of the way and spirit in which the activities of UNHCR were managed. As such, it was an important element in the constant efforts to improve the flow of information and, through the continuation of informal meetings and meetings of the Committee, should continue to serve as a forum for a constructive dialogue between the Executive Committee and UNHCR.

29. Many speakers, in taking note of the progress made so far, urged the High Commissioner to pursue his efforts to strengthen UNHCR management at all levels. It was underlined that an efficient management structure should include a reinforced field organization in order that further delegation of authority would be possible. The international community was experiencing financial constraints which, in all likelihood, would not diminish in the years ahead. Therefore, a constantly improving administrative apparatus was required. In this connection, some speakers expressed understanding for the fact that the decrease in operational expenditures did not immediately and automatically entail a corresponding decrease in administrative costs; they also found it difficult, particularly in view of the current world-wide economic difficulties, to accept growth in the UNHCR administrative budgets and emphasized that the need to economize was as imperative for UNHCR as for other United Nations agencies. On the other hand, such considerations should evidently not affect justified and valid needs for additional programmes required to assist refugees.

30. In the continued process of strengthening the management practices of the Office, due regard should also be given to established principles in the United Nations on matters of staffing policy, in line with the UNHCR Statute and other relevant General Assembly resolutions. Although progress had been made, some speakers remarked that, in accordance with such principles, there was still considerable room for improvement in the composition of the staff.

31. Members of the Committee regretted that the final report of the Administrative Management Service on the management methods and organizational structure of the Office was not available for consideration by the Committee. It was therefore suggested that the High Commissioner should circulate the full report as soon as possible and that timely discussions on his reactions to the report should be arranged.

32. The responsibility of UNHCR to provide humanitarian emergency aid as the co-ordinator in situations of man-made disasters of concern to the Office was considered of vital importance. Equally important was the need for the Office to seek the co-operation of other relevant bodies in the United Nations system in accordance with the relevant resolutions and decisions of the General Assembly and the Administrative Committee on Co-ordination (ACC).

33. In each of such emergency situations, however, activities aiming at bringing the refugees to a state of social and economic self-sufficiency should start as soon as possible. Many speakers referred to the need for encouraging Governments to plan such activities within the context of their national development plans. Once self-sufficiency had been reached, further development efforts would become the responsibility of the national authorities supported, where necessary, by external assistance. Throughout the process, UNHCR could, and should, play an energetic, catalytic role.

34. All agreed on the High Commissioner's responsibility to promote, in close co-operation with Governments, the United Nations system and intergovernmental and non-governmental organizations, durable and speedy solutions to the problems of refugees; many reiterated the belief that voluntary repatriation, where practicable, remained the ideal solution. It was recognized that, in many situations, the pursuit of durable solutions was conditioned by factors beyond the control of the Office; nevertheless, several speakers expressed the view that more vigorous UNHCR action was required in the field of durable solutions. One speaker

suggested that, from 1983, the question of durable solutions should be placed on the agenda of the Executive Committee.

35. The refugee situation remained of deep concern, especially, in Africa, Asia and Latin America. Africa continued to harbour the largest refugee population in the world but recent successful repatriation operations gave rise to hopes for other positive results in the future; meanwhile, there was a need to intensify local settlement in those cases where voluntary return did not appear feasible. The sheer number of refugees in the western part of Asia was most alarming. In Pakistan, the care and maintenance of some 2.8 million refugees - the largest refugee concentration in any one country in the world - continued to pose an enormous challenge to the host country, the international community and UNHCR; continued large-scale assistance from the international community was needed. Concerning South-East Asia, hope was expressed that voluntary repatriation would gain momentum. At the same time, the rate of resettlement should be maintained at a level commensurate with the needs. The importance of the Orderly Departure Programme in the context of the problems in that area was emphasized by many speakers. Several members referred to the steadily deteriorating refugee situation in Central America and expressed the hope that UNHCR would strengthen its activities in that region.

36. Throughout the debate on specific refugee situations, many speakers paid tribute to the countries of asylum, particularly the least developed, in recognition of their sacrifices and contributions. They were also commended for continuing to offer generous hospitality and assistance. To alleviate their burden, other Governments were urged to assist, in a spirit of international solidarity and burden-sharing, in providing solutions on a scale corresponding to the magnitude of the respective refugee situations.

37. Some speakers expressed regret that the International Conference on Assistance to Refugees in Africa (ICARA) had not yielded the expected results and urged UNHCR, as one of the members of the Steering Committee, to pursue the efforts to identify resources to cover the priority needs presented to the Conference. One speaker believed that there was an urgent need for another conference on refugees in Africa to review the experience of the first conference and to generate additional resources.

38. The Committee heard a statement by the Observer of OAU who focused on the complexity of refugee problems in Africa, which were further aggravated by economic factors. He traced the activities of OAU on behalf of refugees, particularly in the area of education, and paid a glowing tribute to UNHCR and the voluntary agencies for their humanitarian work.

39. Observers from the International Council of Voluntary Agencies (ICVA) and ICRC made statements in which they outlined their preoccupation with refugee issues. The ICVA delegate expressed alarm at deteriorating refugee situations around the world and the serious questions that posed for protection and assistance. He reaffirmed the commitment of voluntary agencies to the role of UNHCR, and their determination to contribute to the promotion of solutions to the causes as well as the consequences of refugee movements. The speaker also felt that UNHCR might consider the establishment of a working group on the topic "Refugees and Development". The ICRC delegate recalled the important resolution adopted by the Twenty-Fourth International Conference of the Red Cross held at Manila in November 1981 on international Red Cross aid to refugees. The resolution pledged

to support the work of UNHCR and ensure close co-operation between the two organizations in their respective spheres of activity. The speaker also outlined the refugee-related work carried out by ICRC during the past year, notably in the field of family reunion.

40. The observer of ILO reviewed the co-operation between ILO and UNHCR, which dated back to 1951, and noted that it had been agreed to issue joint instructions to the staff of both organizations with a view to increasing co-operation in the field. The observer from the World Bank mentioned the Bank's first involvement, on an experimental basis, in an employment-generation project that will benefit refugees in Pakistan.

41. Many speakers paid tribute to other organizations of the United Nations system, intergovernmental organizations, voluntary agencies and non-governmental organizations. Their valuable co-operation with, and support to UNHCR was praised, as was their humanitarian assistance in favour of refugees and persons of concern to the Office. The wish was expressed that the non-governmental organizations should be associated even more closely with all stages of aid projects. Throughout the debate, representatives and observers also described efforts by their own Governments, both nationally and internationally, for the benefit of persons of concern to the High Commissioner.

42. In responding to the debate, the High Commissioner expressed thanks for the interesting and timely points raised, to which the Office would revert in due course. He was most appreciative of the many tokens of support that had been expressed for the work of his Office, including the various financial commitments made by various delegations. He gratefully noted the very constructive start to the current session of the Executive Committee.

#### Decisions of the Committee

##### 43. The Executive Committee

(a) Congratulated the members of the Bureau on their election and expressed special sympathy to the Chairman whose country, Lebanon, had recently been the tragic scene of cruel events;

(b) Expressed appreciation of the introductory statement of the High Commissioner in which he had, inter alia, shared with members of the Executive Committee problems and complex issues of fundamental importance facing his Office in the transformation of principles and concepts into practice and day-to-day action on behalf of refugees;

(c) Noted that, while the number of refugees in the world had not increased, refugee problems remained distressingly severe especially in Africa, Asia and Latin America and that, despite some encouraging developments, further efforts to aid refugees were needed, notably in those regions;

(d) Emphasized the need to pursue all possible efforts to tackle the refugee problem at its roots in the appropriate forums and welcomed various initiatives taken in that regard in the United Nations;

(e) Reaffirmed the purely humanitarian and non-political character of the High Commissioner's activities as a prerequisite for the effective protection and assistance to refugees and displaced persons of concern to the Office;

(f) Expressed the belief that the mandate of UNHCR was sufficiently flexible and adaptable to changing requirements and thus adequate in the evolving refugee situation;

(g) Welcomed the improved flow of information between members of the Executive Committee and the Office, including both the quality and quantity of documentation made available before and between the sessions of the Executive Committee;

(h) Requested the High Commissioner to pursue and further strengthen the dialogue in order to allow the Executive Committee to fully discharge its functions in terms of programmes in accordance with the relevant resolutions of the General Assembly and the Economic and Social Council;

(i) Noted with deep concern that the serious violations of the basic rights of refugees had continued, in particular military attacks on refugee camps, refoulement and detention, and called upon Governments to adhere to relevant international instruments; and recalled the need for Governments fully to co-operate with the High Commissioner to facilitate the effective exercise of his essential function of international protection;

(j) Condemned vigorously the inhumane attacks on refugee camps and the massacres of thousands of innocent Palestinian refugees, women, children and aged, as well as Lebanese citizens;

(k) Stressed the continued important contribution of the Sub-Committee of the Whole on International Protection which, at the current session, had again defined and confirmed principles of vital significance for the protection of refugees (the report of the Sub-Committee is considered under item 5);

(l) Expressed appreciation of the work done by the Sub-Committee on Administrative and Financial Matters, which had, on the basis of its terms of reference, proved its value (the report of the Sub-Committee is considered under item 7);

(m) Urged the High Commissioner to continue his efforts in adapting the management practices of the Office to the new requirements in order to provide the most cost-effective services to refugees the world over and stressed the importance of a field-oriented organization, and, while regretting the delay of the final report of the Administrative Management Service, expressed the wish for a timely discussion with the High Commissioner on his reactions to that report;

(n) Invited the High Commissioner to pursue a staffing policy in line with relevant resolutions and decisions of the General Assembly and the Executive Committee;

(o) Requested the High Commissioner to continue to co-ordinate closely the efforts of his Office in the field of emergency humanitarian assistance with those of other relevant bodies in the United Nations system in accordance with the relevant resolutions and decisions of the General Assembly, for example (resolution 36/225) and the Administrative Committee on Co-ordination;

(p) Noted with appreciation that many assistance programmes had evolved from the emergency phase to a state of consolidation and urged the High Commissioner, in



close co-operation with Governments, the United Nations system, intergovernmental and non-governmental organizations, to intensify the search for durable and speedy solutions - including, wherever possible, voluntary repatriation - to the problems of refugees;

(q) Noted with appreciation the major contributions by countries of asylum in accepting large numbers of refugees and urged other Governments, in a spirit of international solidarity and burden-sharing, to assist in providing appropriate solutions for the refugees;

(r) Paid tribute to other organizations of the United Nations system, intergovernmental organizations, voluntary agencies and other non-governmental bodies for their valuable co-operation with the High Commissioner and for their humanitarian assistance in favour of refugees and displaced persons;

(s) Commended the High Commissioner and his staff for the invaluable work that the Office continued to perform on behalf of refugees throughout the world.

### III. INTERNATIONAL PROTECTION

(Item 5 of the agenda)

44. Opening the debate on agenda item 5, Mr. P. H. R. Marshall (United Kingdom), the Chairman of the Sub-Committee of the Whole on International Protection, introduced the report of the seventh meeting of the Sub-Committee. The Sub-Committee had considered the report of the Working Group on problems related to the rescue of asylum-seekers in distress at sea and the follow-up of its earlier conclusions concerning the determination of refugee status. It had devoted particular attention to the question of military attacks on refugee camps and settlements in southern Africa and elsewhere. With regard to this last question, the Sub-Committee had been particularly conscious of the relation between its own work and wider questions outside the mandate of the High Commissioner. It had been impressed by the grasp of the problem of military attacks demonstrated by Mr. F. Schnyder and was confident that he would successfully complete his task along the lines set out in his preliminary report.

45. The Director of International Protection introduced document A/AC.96/609/Rev.1 and Corr.1, which described the principal problems faced during the past year as well as some of the positive developments that served to brighten an otherwise sombre picture. Among the positive developments was the adoption at the last session of the Executive Committee of conclusions on the protection of asylum-seekers in situations of large-scale influx. Those conclusions marked a turning point in the history of the international protection of refugees, since they set forth basic principles and minimum standards of treatment for asylum-seekers in large-scale influx situations, described the persons concerned according to the refugee definition in the 1951 Convention relating to the Status of Refugees 1/ and the 1967 Protocol 2/ and the expanded refugee definition figuring in the 1969 OAU Convention, and recommended that States allow UNHCR to have access to such asylum-seekers in order to exercise its international protection function and to supervise their well-being. Other significant positive developments included the conclusion of an agreement between the Royal Thai Government and UNHCR - acting on behalf of 12 donor countries - for a programme to combat piracy in the South China Sea, and the accession of China to the 1951 Convention and the 1967 Protocol, which, with the earlier accessions of Japan, the Philippines, Chad and Bolivia, had become the ninety-third State Party to those instruments.

46. Among the grave problems confronting the Office during the past year had been the frequent infringements of the basic rights of refugees. The principle of non-refoulement - a peremptory rule of international law - had been violated; even temporary asylum had been refused to persons seeking refuge from persecution, repression or armed conflict; tenuous legal arguments had been invoked to deny that asylum-seekers were refugees; refugees had been subjected to intolerable conditions and mistreatment in overcrowded detention camps; groups of asylum-seekers had been massacred on their way to or after having crossed land frontiers; and boats filled with asylum-seekers had been intercepted and turned back. Military attacks on refugees in camps had been of a particularly appalling nature.

47. There was a serious danger that negative or restrictive measures taken by States as a result of weariness with repeated calls for assistance or of the desire to control or deter population movements might undermine the legal structures for

the protection of refugees carefully built up over more than half a century. While efforts to deal with the root causes of mass exoduses were greatly to be welcomed, the foundations of the system of international protection should not in any way be adversely affected. It was indeed necessary to develop more rapid and effective admission procedures and to make better use of the mechanisms of international solidarity. The basic principles of asylum and refugee law should not however be called into question merely because economic migrants or those motivated purely by personal convenience sought to be recognized as refugees, and the determination of refugee status should be made fairly and in accordance with accepted legal norms.

48. Among the durable solutions of refugee problems, voluntary repatriation was of particular importance, especially in current large-scale refugee situations resulting from armed conflicts or internal upheavals. Since voluntary repatriation depended on conditions in the country of origin, the establishment of a relationship of confidence with that country and, if possible, the creation of a dialogue between the country of asylum and the country of origin on the humanitarian level could facilitate that solution.

49. As part of the efforts of UNHCR to promote the teaching of refugee law, courses of lectures on the subject had been organized in co-operation with the International Institute of Humanitarian Law at San Remo, intended primarily for officials directly responsible for refugee matters in their respective countries.

50. In carrying out its functions, UNHCR needed to rely on the confidence and support of Governments, which of course made it necessary for the Office to act with the utmost discretion. In order to reinforce that confidence it was also essential for the Office to act in a scrupulously non-political manner as specifically provided for by its Statute.

51. In the ensuing discussion a number of speakers commented on various points raised in the Note on International Protection, which was considered to provide a frank and thorough exposé of the problems currently existing in that field.

52. In the course of the discussion on agenda item 5 and in the general debate, a large number of speakers reiterated the fundamental importance of the international protection function of UNHCR. One speaker said that the Division of International Protection was the conscience of the Office and of the world community in that field.

53. Many speakers stressed that current trends involving a continuing increase in the number of asylum-seekers and economic recession should not in any way result in a deterioration of established principles of international protection. It was recalled by one representative that the existing international refugee instruments had been adopted at a time when Governments were also confronted with grave social and economic problems. One speaker considered that, while the policy of developed countries was affected by economic recession, the increasingly strict application of the refugee criteria - which was not resorted to in his country - was to be regretted. Another speaker considered that the principles of international protection were of universal and lasting application and that they should not be modified to meet contingent situations. During the general debate, one speaker warned of the danger of the principles of international protection - particularly that of non-refoulement - being distorted through misinterpretation by Governments in their efforts to deal with various current problems.

54. A number of speakers, also in the general debate, referred to the need to address the causes of refugee problems, which, however, was a matter outside the terms of reference of the Executive Committee. In that connexion, the need to maintain the strictly humanitarian and non-political nature of the Office was stressed. In the course of the general debate, one speaker emphasized that efforts to address the causes of refugee problems should not in any way adversely affect the principles of international protection.

55. In regard to the problem of abusive claims for refugee status, one speaker pointed out that, in the face of the current economic crisis, Governments had sought to protect their own labour markets by restricting immigration. Large numbers of migrants in search of better employment opportunities therefore sought admission as asylum-seekers, a development which in turn had necessitated the adoption of procedures by Governments to identify and dispose of claims by persons who were clearly not bona fide asylum-seekers. His delegation was pleased that the question of abusive claims for refugee status would be considered by the Sub-Committee of the Whole on International Protection at its next meeting. He emphasized the need to approach the question from the point of view of the protection of the institution of asylum and to avoid the danger of its being undermined or subverted.

56. One representative during the general debate expressed concern at the practice of "humane deterrence" introduced by a number of States confronted with a large influx of asylum-seekers. Another representative, speaking under agenda item 5, saw some merit in the practice, since it would discourage new arrivals, especially those whose motive for seeking asylum was purely economic. In regard to the link between the granting of temporary asylum and resettlement, the understanding reached at the 1979 Meeting on Refugees and Displaced Persons in South-East Asia <sup>3/</sup> had confirmed the need to resettle, in the context of international solidarity and burden-sharing, Indo-Chinese asylum-seekers admitted on a temporary basis. He pointed out that, despite that understanding, there were large numbers of such persons in various parts of South-East Asia who had been admitted to countries of first asylum as much as eight years ago and who were still awaiting a durable solution. He suggested that the time might have come for new guidelines to be established on the matter.

57. Many representatives, speaking both under agenda item 5 and during the general debate, viewed with concern the various negative developments described in the Note on International Protection and also in the section on international protection in the High Commissioner's report to the General Assembly at its thirty-seventh session. <sup>4/</sup> Particular consternation was expressed at the reported violations of the principle of non-refoulement and the need for the scrupulous observance of that fundamental norm was repeatedly stressed. One representative speaking during the general debate believed that the principles of non-refoulement and temporary admission should be viewed as binding norms of international law. The observer representing the International Council of Voluntary Agencies, also speaking during the general debate, stated that the principle of non-refoulement should apply to persons who could not substantiate a claim for refugee status but whose physical safety could not reasonably be guaranteed in the event of their being forcibly returned to their country of origin.

58. A number of speakers welcomed the further accessions to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, and stressed the importance of accession by China. One representative, however, drew attention to

the fact that several States with large-scale refugee problems had not yet acceded to the international refugee instruments.

59. One speaker referred to the specific problem of Palestinian refugees and noted that there appeared to be a vacuum in respect of their protection. Another representative, speaking during the general debate, considered that the terms of reference of UNRWA did not contain any mandate to protect Palestinian refugees. He therefore believed that the relevant international refugee instruments should be modified so that all refugees without exception were duly protected.

60. Several speakers recognized the importance of efforts to promote a better understanding of international refugee law and welcomed the initiative taken by UNHCR, in co-operation with the International Institute of Humanitarian Law at San Remo, to organize courses of lectures on refugee law. One representative suggested that the conclusions and recommendations of the Symposium on the Promotion, Dissemination and Teaching of Fundamental Human Rights of Refugees, held in Tokyo in December 1981, 5/ should be widely circulated to all those who might be concerned with teaching the principles of international protection.

61. Reference was made by a number of representatives to the various questions examined by the Sub-Committee of the Whole on International Protection. In regard to problems related to the rescue of asylum-seekers in distress at sea, concern was expressed, both during the discussion of agenda item 5 and in the course of the general debate, that fewer ships were now picking up fewer asylum-seekers. One representative, speaking during the general debate, believed that that indicated an increasing unwillingness on the part of ships' masters to fulfil their obligations and that efforts should be directed towards removing disincentives to rescue. One representative speaking under agenda item 5, stated that her Government had given specific instruction to ships' masters to rescue asylum-seekers in distress at sea. The persons so rescued could stay permanently in her country or could be resettled elsewhere. The principle of equitable burden-sharing in the case of persons rescued at sea was generally emphasized. Another speaker believed that the respective responsibilities of the States concerned could be more evenly shared through a scheme of a type described in paragraph 11 of the Sub-Committee's report, which envisaged an arrangement comprising a pool of resettlement offers provided by flag and other States and, if necessary, supplemented by a funding arrangement. He also considered that the notion that rescued asylum-seekers should be disembarked at the next scheduled port of call had no basis in international law and placed an unduly heavy burden on those ships whose next scheduled port of call was a long distance away from the place of rescue.

62. Under agenda item 5 and also during the general debate, alarm was expressed at the deterioration in the physical safety of refugees. Several representatives pointed out that international protection had now come to include the physical protection of refugees and asylum-seekers. The observer representing ICVA stated that the agencies he represented would not only voice their concern about that deterioration but would also, where necessary and appropriate, themselves participate in efforts to enhance the protection of refugees.

63. A number of speakers expressed horror at the recent massacre perpetrated in Palestinian refugee camps in Lebanon. Indignation was also expressed regarding military attacks on refugee camps and settlements that had occurred in Africa and Central America and there was general satisfaction that the question was now being examined by the Executive Committee. Many speakers welcomed the appointment by the

High Commissioner of Mr. Schnyder to study the question. Several speakers looked forward to having an early opportunity to consider his final report, which they hoped would lead to the adoption of concrete measures for ensuring the safety of refugee camps. One speaker noted that the specific problem of military attacks on refugee camps and settlements had been averted in his country by integrating refugees in local communities. He pointed out, however, that the refugees were frequently subjected to other forms of violence, such as kidnapping and assassination. During the general debate, several speakers referred to the need for refugee camps to be sited away from the border and to the duty of refugees to observe the laws of their country of asylum. The observer representing ICRC said that his organization, if so requested, was prepared to examine in what way it could, within its terms of reference and the means at its disposal, co-operate even further in establishing measures to protect refugee camps against military attacks.

64. In the course of the general debate, the problem of piracy attacks on asylum-seekers at sea was widely referred to as a matter of continuing concern. Satisfaction was expressed at the conclusion in June 1982 of an arrangement between the Royal Thai Government and UNHCR on behalf of 12 donor Governments aimed at combating piracy in the South China Sea. It was, however, stressed that that arrangement could not be regarded as sufficient to meet the problem and the need for further concerted international co-operation was recognized. One speaker pointed to the need for the world community to co-operate with the States most affected in the region so that the problem could be finally resolved. The same speaker also expressed the view that the country of origin of the asylum-seekers who were the victims of piracy attacks should be prevailed upon to facilitate orderly departure so that its citizens were not compelled to put their lives at risk on the high seas. Several speakers confirmed their respective Governments' commitment to support endeavours to combat piracy. One representative referred to the need for the UNHCR/Thai agreement to be renewed beyond its current period of validity.

65. With regard to the determination of refugee status, it was noted that that matter raised questions of a legal, technical and procedural nature. One representative stated that the procedure for the determination of refugee status in her country could be considered satisfactory, in particular since it provided for UNHCR participation and also included an appeals procedure. Another speaker expressed the view that a satisfactory working arrangement between UNHCR and the relevant government authorities was preferable to a rigid procedure that could not meet the needs of all situations that might arise. He believed that the discussions in the Sub-Committee on International Protection had illustrated the difficulty of establishing procedures which were identical for all countries. Another representative, indicating his agreement with the conclusions of the Sub-Committee on the topic, said that it would have been possible for his Government to accept the more far-reaching conclusions contained in the working document submitted by the High Commissioner on the question (EC/SCP/22/Rev.1).

66. Several speakers referred to new refugee legislation that had been adopted in their respective countries and expressed appreciation for the advice received from UNHCR in the course of its preparation. One representative said that aliens legislation and the procedure for determining refugee status were currently under review in his country and the conclusions adopted by the Executive Committee on agenda item 5 would be studied attentively during that process.

67. During the general debate, one representative stressed the importance of determining refugee status in large-scale refugee situations. While in the emergency phase all persons involved might need protection, asylum-seekers could not automatically be equated with refugees; only persons determined to be refugees should be entitled to resettlement or other durable solutions. Another speaker recalled that, in situations of large-scale influx, asylum-seekers were entitled to certain basic standards of protection. Another representative believed that the phenomenon of mass exodus should be further examined by the Executive Committee.

68. Reference was made during the discussion of agenda item 5 and also in the general debate to the need to promote durable solutions to refugee problems. One representative suggested that the subject should be placed as a permanent item on the agenda of the Sub-Committee on International Protection and also on that of the Executive Committee. The voluntary repatriation of refugees was widely viewed as the most desirable solution. The observation was made by several speakers that that solution could only be achieved through the elimination of the root causes that led to the departure of refugees from their country of origin. One speaker concurred with the view expressed in the Note on International Protection that countries of origin should co-operate in efforts to facilitate voluntary repatriation. The same speaker suggested that UNHCR should consider sending a fact-finding mission to ascertain the wishes as regards voluntary repatriation of Vietnamese refugees dispersed throughout East and South-East Asia. During the general debate, several speakers also referred to the naturalization of refugees in their country of asylum as a further important solution to refugee problems.

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

#### 70. Conclusions of the Committee

##### (1) General

The Executive Committee

(a) Reiterated the fundamental importance of international protection as a primary task entrusted to the High Commissioner under the Statute of his Office;

(b) Reaffirmed the importance of the basic principles of international protection and, in particular, the principle of non-refoulement, which was progressively acquiring the character of a peremptory rule of international law;

(c) Expressed concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum-seekers had been violated in different areas of the world, inter alia, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

(d) Recognized the concern of Governments resulting from large-scale flows of persons and current recessionary trends in different areas of the world; expressed the hope, however, that those various developments would not lead to restrictive practices in the granting of asylum or in the application of the refugee concept, nor to an undermining of the essential principles of international protection;

(e) Noted with satisfaction the efforts being undertaken in other forums to examine the causes of large-scale movements of asylum-seekers and expressed the hope that those efforts would lead to a substantial reduction in their volume; stressed, however, that such efforts should not in any way weaken the basic principles of international protection;

(f) Noted with satisfaction the continuing progress made since the Committee's thirty-second session as regards further accessions to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol and welcomed accession to those basic international refugee instruments by Japan, Bolivia and China;

(g) Expressed the hope that further States would accede to the Convention and Protocol and to other international instruments defining the basic rights of refugees at the universal and the regional levels;

(h) Noted with satisfaction the measures taken or currently envisaged by various States to ensure the effective implementation of their obligations under the Convention and the Protocol, in particular as regards procedures for determining refugee status;

(i) Welcomed the increasingly broad acceptance of the principles of international protection on the part of Governments and the efforts undertaken by the High Commissioner to promote a wider understanding of international refugee law; urged the continued development and elaboration of refugee law in response to the new and changing humanitarian and other problems of refugees and asylum-seekers;

(j) Welcomed the High Commissioner's initiative to organize courses of lectures on refugee law in co-operation with the International Institute of Humanitarian Law at San Remo;

(k) Noted with renewed appreciation the work of the Sub-Committee of the Whole on International Protection, which has continued to support the High Commissioner's efforts to extend international protection, in particular by confirming and more clearly defining and developing the basic standards for the treatment of refugees and asylum-seekers;

(l) Expressed the hope that an informal meeting of the Sub-Committee would be held as early as possible in 1983 to consider further the question of military attacks on refugee camps and settlements of concern to the High Commissioner, or other questions relating to the physical safety of refugees and asylum-seekers.

(2) Report of the Working Group on problems related to the rescue of asylum-seekers in distress at sea

The Executive Committee

(a) Noted the report of the Working Group of Experts on the Rescue of Asylum-Seekers at Sea (EC/SCP/21);

(b) Reiterated the fundamental character of the obligation to rescue asylum-seekers in distress at sea;



(c) Stressed the importance for coastal States, flag States, countries of resettlement and the international community as a whole to take appropriate steps to facilitate the fulfilment of that obligation in its various aspects;

(d) Considered that solution of the problems connected with the rescue of asylum-seekers at sea should not only be sought in the context of legal norms but also through practical arrangements aimed at removing as far as possible the difficulties which have been encountered;

(e) Noted that the report of the Working Group of Experts contained a number of suggestions aimed at achieving such arrangements and called upon UNHCR to examine the feasibility of those suggestions;

(f) Noted the preliminary report submitted by the High Commissioner (EC/SCP/24) and requested UNHCR to continue its study of the matter and to submit a report to the Executive Committee at its thirty-fourth session, through its Sub-Committee of the Whole on International Protection.

(3) Military attacks on refugee camps and settlements in southern Africa and elsewhere

The Executive Committee

(a) Stressed the fundamental importance of respecting the relevant principles of international humanitarian law as reflected in the note prepared by the Office of the High Commissioner (EC/SCP/25);

(b) Expressed the conviction that the Office of the High Commissioner could substantially contribute, within the scope of its mandate, to the endeavours of other bodies also concerned with the problem and assist them in discharging their respective responsibilities in that regard, while maintaining the humanitarian and non-political character of his Office;

(c) Expressed its profound concern at the problem of continuing military attacks on refugee camps and settlements, as illustrated by the recent tragic, cruel and inhuman events in Lebanon, which have rightly been unanimously condemned, and expressed the hope that measures would be taken to protect refugees against such attacks and to aid the victims;

(d) Welcomed the appointment by the High Commissioner of Mr. F. Schnyder to carry out a survey of the various aspects of the problem of military attacks on refugee camps and settlements of concern to UNHCR, and, in taking note with appreciation of his preliminary report on the matter (EC/SCP/23), expressed the hope that the survey would lead to the adoption of measures that would make refugee camps and settlements safer from military attacks than they have so far been;

(e) Stressed the urgency of the matter and hoped to receive the final report of Mr. Schnyder as soon as possible and to have an opportunity to discuss its contents at an early date, and in any case not later than September 1983.

(4) Follow-up on earlier conclusions of the Sub-Committee of the Whole on International Protection on the determination of refugee status, inter alia, with reference to the role of UNHCR in national refugee status determination procedures

The Executive Committee

(a) Considered the report of the High Commissioner on the progress made in regard to the determination of refugee status (EC/SCP/22/Rev.1);

(b) Noted with satisfaction that, since the twenty-eighth session of the Executive Committee, procedures for the determination of refugee status have been established by a further significant number of States Parties to the 1951 Convention and the 1967 Protocol and that those procedures conform to the basic requirements recommended by the Executive Committee at its twenty-eighth session;

(c) Reiterated the importance of the establishment of procedures for determining refugee status and urged those States parties to the 1951 Convention and the 1967 Protocol that had not yet done so to establish such procedures in the near future;

(d) Recognized the need for measures to meet the problem of manifestly unfounded or abusive applications for refugee status. A decision that an application was manifestly unfounded or abusive should only be taken by or after reference to the authority competent to determine refugee status. Consideration should be given to the establishment of procedural safeguards to ensure that such decisions were taken only if the application was fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 Convention relating to the Status of Refugees. In view of its importance, the question of manifestly unfounded or abusive applications for refugee status should be further examined by the Sub-Commission at its next meeting, as a separate item on its agenda and on the basis of a study to be prepared by UNHCR;

(e) Noted with satisfaction the participation in various forms of UNHCR in procedures for determining refugee status in a large number of countries and recognized the value of UNHCR thus being given a meaningful role in such procedures.

#### IV. UNECR ASSISTANCE ACTIVITIES

(Item 6 of the agenda)

71. Introducing the report on UNHCR Assistance Activities in 1981-1982 and Proposed Voluntary Funds Programmes and Budget for 1983 (A/AC.96/606 and Corr.1 and 3), the Director of Assistance addressed problems linked to the implementation of assistance programmes and projects, and gave details of some of the measures already taken or being envisaged to improve this important aspect of UNHCR activities.

72. The Director recalled the rapid growth of assistance activities during the latter part of the last decade and noted that, in several instances, the magnitude and complexity of projects undertaken by the Office had put severe strains on existing planning procedures and implementation arrangements. The Office, at very short notice, had to cope with pressing problems in the fields of project planning, selection of appropriate implementing agencies, access to technical expertise, training of newly recruited staff members, and briefing of implementing agencies' personnel. The Director explained that particular attention had been given in the past year to a realistic assessment of implementation and absorption capacity while reviewing submissions received from field offices in relation to the revised 1982 and proposed 1983 levels of appropriations.

73. The Director then reviewed some of the measures already taken to improve project implementation. They included the introduction of the Project Management System and its evaluation component, the establishment within the Assistance Division of a Programme Management Bureau, a Social Services Section and a Specialist Support Unit, the improvement of training activities through the publication of various briefing manuals and the organization of seminars and workshops. The Director mentioned that, in addition to those activities which were under the direct control of the Office, efforts had been made to strengthen agencies responsible for implementation, and to identify new voluntary agencies or technical firms which could undertake to co-ordinate the implementation of large and complex projects. He also mentioned efforts to involve other United Nations agencies in refugee assistance, noting, however, that while some success had been registered in involving other international agencies in the implementation of projects, additional efforts would be required to obtain the financial participation of agencies in projects benefiting refugees. Finally, the Director informed the Committee that a thorough review of implementation problems was being conducted within the Division of Assistance in co-operation with the Regional Bureaux. This review was expected to be completed by the end of the year and would provide a basis for further improvement of project implementation in 1983.

74. During the ensuing discussion, a number of delegates commented on the points raised by the Director and on general issues relating to assistance activities. As in the course of the general debate, delegates expressed satisfaction at the increased shift in UNHCR activities from emergency relief assistance to self-sufficiency and local settlement. Some delegates welcomed efforts to associate other agencies of the United Nations system in developmental assistance activities benefiting refugees. One delegate also stressed the importance of involving the central planning authorities of the host Government from the early stages of refugee assistance. Some delegates insisted on the need for close co-ordination between UNHCR and other agencies expected to take over from UNHCR

the responsibility of ensuring that essential refugee services were integrated into those of the country and that refugee communities were included in national development activities, so that basic and essential services were not discontinued.

75. Some speakers remarked that, in the context of assistance to refugees in developing countries, it was often difficult to establish a clear distinction between relief and development aid, particularly when the infrastructure required to absorb a refugee community was not fully adequate. One delegate expressed his support for a proposal made by ICVA to establish a working group of experts to study the question of assistance to refugees and displaced persons in relation to development. Another delegate questioned the relevance of the principle according to which self-sufficiency for refugees should be promoted only to the level of surrounding populations. Such a practice would negate the principle of equal treatment for various groups of refugees in different regions. Replying to that comment, the Director of Assistance explained that, whereas the levels of material assistance were similar from one region to the other, the per capita costs could differ, sometimes vastly, and that would result in a distorted impression of UNHCR efforts.

76. A number of speakers took note of efforts already made by UNHCR with a view to improving project implementation and suggested further improvements, particularly with regard to UNHCR internal procedures. In that context, the importance of a greater delegation of authority to field offices was stressed, as was the need for an active UNHCR presence in the field for the purpose of co-ordination and monitoring of assistance. The need to continue the strengthening of project evaluation was also emphasized, and one delegate expressed the wish that donor countries be more directly involved in evaluation activities. Other speakers mentioned procurement activities and timely transfers of funds to implementing agencies as other important areas where additional improvements could lead to more effective implementation. Some delegates noted that, in some instances, reductions in allocations were made possible as a result of a devaluation of the local currency against the dollar. They remarked, however, that such savings were frequently offset by rising costs.

77. Several delegates noted significant improvements in the documentation on assistance submitted to the Committee. It was felt that both the Annual Report on Assistance Activities and the periodic reports on developments in assistance corresponded to the wish previously expressed by the Committee in terms of content and presentation, and that such documentation had been submitted in time for its review by permanent missions. It was, however, noted that additional efforts should be made to provide a more analytical approach to assistance activities, as well as additional information concerning, in particular, implementing arrangements and the number of beneficiaries of the assistance being described. The Director of Assistance took note of the suggestions made, and indicated that the Office would endeavour to continue improving documentation submitted to the Committee. He also took note, however, of comments made earlier by delegates requesting the Office to limit the burden imposed on UNHCR field offices in relation to reporting.

78. A number of representatives and observers took the floor during the discussion relating to programmes in Africa to inform the Committee of their countries' efforts on behalf of refugees, and to identify areas of assistance where additional international assistance would be required. The situation in the Horn of Africa was examined, and the representative of the Sudan and the observers of Somalia and Djibouti reviewed refugee situations in their respective countries. They welcomed

the implementation of activities leading to self-sufficiency or local settlement, and informed the Committee of additional needs, particularly in agriculture, domestic and cooking fuel, and access to grazing land. The observer of Somalia mentioned that, contrary to what had been stated in document A/AC.96/606 and Corr.1 and 3, his Government wished to point out that there still existed a number of serious problems of an emergency nature, particularly in the health sector. He also wished to draw the attention of the Committee to the specific problems of urban refugees in his country. The observer of Ethiopia stressed the importance of a regional approach in the Horn of Africa, noting that imbalances in levels of assistance could sometimes encourage refugee movements. He welcomed the expanded programme of assistance to returnees in Ethiopia, and informed the Committee of action already taken to implement that programme in co-ordination with UNHCR and the League of Red Cross Societies.

79. The representative of Morocco reiterated statements made during previous sessions and stressed the fact that relief assistance, and even self-sufficiency foreseen for the so-called refugees in Tindouf and the surrounding region, could only be considered as temporary measures pending the implementation of durable solutions in their favour. Referring to the situation of the persons concerned, he questioned the information given concerning their number and status. Recalling earlier decisions of the Committee, he reiterated a request to UNHCR to hold discussions between the Governments concerned to ensure that a durable solution was found, either through voluntary repatriation or through settlement on a durable basis. The representative of Algeria welcomed the presentation of assistance activities in Algeria in a separate chapter and reviewed progress made in the implementation of assistance to Sahrawi refugees. He renewed the commitment of his country to the promotion of durable solutions. He further recalled that voluntary repatriation, when all conditions permit, remained the most appropriate solution to the problem of refugees. That solution could, however, only be envisaged when the circumstances that had given rise to the refugee situation had changed.

80. In summing up the discussions on the item and referring to statements made by the chairmen in previous sessions on the subject, the Chairman noted with satisfaction the numerous statements on the necessity to promote durable solutions. While recalling that UNHCR was concerned with only the humanitarian aspects of the problems of refugees, the Chairman expressed the wish that more progress be made with a view to promoting durable solutions, including voluntary repatriation and durable settlement under conditions satisfactory to the persons concerned. The Chairman furthermore expressed the hope that the High Commissioner would pursue his efforts in co-operation with the Governments in that regard in conformity with his usual policy and report to the Executive Committee.

81. The representative of the United Nations Council for Namibia referred to several programmes for Namibian refugees in countries surrounding Namibia and called for concerted action within the United Nations, particularly between UNDP, UNHCR and the Council itself.

82. Some speakers, in stressing the magnitude of needs in their countries, voiced the opinion that Africa should receive assistance commensurate with the number of persons of concern to the High Commissioner in the continent. The Director of Assistance and the Head of the Regional Bureau for Africa took note of the various remarks and provided additional information where appropriate.

83. Several representatives and observers commented on the results of the International Conference on Assistance to Refugees in Africa (ICARA) held at Geneva in April 1981, and expressed their concern that, despite large contributions announced as a result of the Conference, a number of priority projects had not yet been financed or implemented. They stressed the need for additional information on achievements resulting from ICARA.

84. A number of speakers expressed concern at the situation of refugees in Central America. The observers of Honduras and El Salvador thanked the High Commissioner for assistance provided and described measures taken by their respective Governments to promote durable solutions. One representative called for a further strengthening of the UNHCR presence in the area. In that connection, the representatives of Argentina and Venezuela requested the Committee to approve new posts proposed for Central America.

85. In discussing the section on Europe, the representative of Austria described the refugee situation in his country and commended the work of UNHCR and other agencies and expressed gratitude for the understanding attitude of countries that had accepted to open their doors for the resettlement of refugees and asylum-seekers. He also described efforts by the Government of Austria for the care and maintenance and, increasingly, the local integration of those persons.

86. The Head of the Regional Bureau for the Americas and Europe took note of the various comments made concerning his area of responsibility and emphasized in particular the Office's efforts in co-operation with Governments concerned in relation to the situation in Central America.

87. During discussions devoted to programmes in East and South Asia and Oceania, the Director of Administration and Management informed the Committee that a request had been received from the Australian authorities for UNHCR to establish an office at Canberra. Modalities for the establishment of a branch office were being worked out and specific proposals would be submitted to the Committee at its next session.

88. In the course of the debate relating to the Middle East and South-West Asia region, the observer for Cyprus appealed for continued support through UNHCR for the programme of assistance in favour of displaced persons in his country. He also informed the Committee of his Government's efforts, in co-operation with UNHCR, to offer training opportunities to southern African refugees and to assist refugees and displaced persons from Lebanon. The representative of Iran welcomed the positive steps already taken by the High Commissioner to initiate a programme of assistance to Afghan refugees who, according to him, numbered 1.5 million, and made reference to some 100,000 Iraqi refugees. The observer of Iraq refuted all the allegations. The representative of Iran referred to the good offices of ICRC in 1972-1973 which had enabled 2,673 Iraqi citizens to return to Iraq. He pledged support by his Government for up to two thirds of the cost of assistance should a programme encompassing the total refugee case-load in the country be established. He also described problems faced by other refugees in Iran and indicated that the Government of Iran could grant temporary asylum pending the repatriation of refugees.

89. The observer of Pakistan informed the Committee of efforts made by his Government to assist Afghan refugees, now totalling 2.8 million. Those efforts concerned particularly cash allowances paid to refugees and the internal transportation of relief items. Such expenditures had become a major financial

burden and the speaker appealed to the international community to consider positively additional contributions towards internal transport costs. The observer went on to say that planning figures adopted to establish assistance budgets should be brought in line with the actual number of refugees registered by the Government. Other major areas of concern were international procurement and deforestation. The observer welcomed progress achieved in identifying income- and employment-generating projects, and also emphasized efforts already made to promote education among the refugees.

90. The Head of the Regional Bureau for the Middle East and South-West Asia commented on several of the points raised concerning the region under his responsibility and expressed the intention of his Bureau to hold further discussions with representatives of the countries concerned. The representative of Iran was assured by the Head of the Regional Bureau that everything would be done to study closely the problem of the group of persons of Iraqi origin; the Office envisaged in the near future sending a mission and hoped to be able to provide the representative with the relevant clarifications.

91. In introducing the report on resettlement activities (A/AC.96/607), the Director of Assistance identified major areas of concern to UNHCR in the promotion and implementation of resettlement. Those points included the sometimes restrictive eligibility criteria, the often narrow definition of family links, a reluctance to consider certain nationality groups and, on the part of some countries, to accept handicapped refugees or emergency cases. The Director called for less restrictive admission criteria, for the establishment by all countries of resettlement of emergency admission procedures, and for a continued effort to maintain the momentum of resettlement.

92. During the ensuing discussion, several delegates reaffirmed the primary importance of voluntary repatriation or local integration as the best possible durable solutions. However, in many cases, resettlement remained the only possible solution and efforts made by several resettlement countries in favour of various groups of refugees were emphasized. In relation to the situation of Indo-Chinese refugees, some speakers expressed concern at the declining resettlement opportunities, which resulted in an increased number of refugees awaiting resettlement in countries of first asylum, despite a somewhat reduced influx. Other speakers stressed the important efforts undertaken by the international community in resettling some 800,000 persons from the area over the last year.

93. One delegate regretted that reception and local integration efforts made by countries of resettlement were not always highlighted. He mentioned the difficulty of expanding or maintaining current resettlement efforts in view of financial constraints resulting from the increased costs of integration. UNHCR was urged to develop guidelines concerning the question of eligibility for resettlement. He also stressed the important role resettlement could play not only for large groups but also for small groups or individuals, particularly those in need of protection.

94. The representative of ICM informed the Committee of the variety of services provided through ICM in the framework of refugee resettlement. Noting the constant decline since 1980 in the number of refugees resettled, he appealed to countries of resettlement to pursue their efforts. He also welcomed the initiative of UNHCR to convene a meeting on the Orderly Departure Programme from Viet Nam.

95. During the course of the debate on assistance activities, other observers from intergovernmental organizations, such as OAU, as well as liberation movements intervened on matters of direct relevance to their areas of responsibility. The representative of WFP described programmes implemented to benefit refugees, either through emergency aid or within the framework of self-sufficiency activities. He appealed for increased international support for the work of WFP, noting that in major programmes such as the ones in Pakistan and Somalia, identified needs were covered only up to January 1983.

#### Decisions of the Committee

#### 96. The Executive Committee

##### A

(a) Took note of the progress made by the High Commissioner in the implementation of his General and Special Programmes in 1981 and the first months of 1982 as reported in document A/AC.96/606 and Corr.1 and 3;

(b) Took note of the allocations made by the High Commissioner from his Emergency Fund during the period 1 July 1981 to 30 June 1982;

(c) Took note of the observations made by the Advisory Committee on Administrative and Budgetary Questions in document A/AC.96/610 and Corr.1;

(d) Revised schedule A of document A/AC.96/606 and Corr.1 and 3 and approved the following:

- (i) The proposals for "new and revised" allocations under the 1982 General Programmes, for both operations and programme support and administration, as summarized in table III, column 12, of document A/AC.96/606 and Corr.1 and 3, with the exception of the net addition of 6 Professional and 12 General Service posts identified in the table appearing on page xxx of the document;
- (ii) A revised financial target of \$350,082,100 (not including the \$10 million Emergency Fund) for 1982 General Programmes;
- (iii) The country and area programmes and overall allocations for the 1983 General Programmes as summarized in table III, column 13, of document A/AC.96/606 and Corr.1 and 3, pertaining to operations as well as to programme support and administration, with the exception of the net addition of nine Professional posts and three General Service posts identified in the table appearing on page xxxi of the document;
- (iv) A revised financial target of \$361,256,500 (not including the \$10 million for the Emergency Fund) for 1983 General Programmes;
- (v) Authorization for the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocation as may be required by changes affecting the situations for which they were planned, using the reserve where necessary, and to report such adjustments to the Committee at its next regular session;



(vi) Authorization for the High Commissioner to effect such redeployments of posts as may be necessary to assure implementation of the approved country programmes and overall allocations for operations, ensuring that there shall be no increase in the numbers of posts at Headquarters, and to effect corresponding adjustments to financial allocations in the proposed country and area programmes, and overall allocations appearing in table III, columns 12 and 13, of document A/AC.96/606 and Corr.1 and 3;

(e) Noted with appreciation that the presentation of the report on UNHCR Assistance Activities in 1981-1982 and Proposed Voluntary Funds Programmes and Budget for 1983 to the Executive Committee had been modified, in line with the views expressed by the Committee at its thirty-second session, to include more detailed information on major programme activities planned for the succeeding year;

(f) Commended the High Commissioner for the periodic reports on developments in assistance provided to the Executive Committee twice a year;

(g) Took note with interest of the report on UNHCR project evaluation (EC/SC.2/8) and recommended that appropriate measures be taken to strengthen project evaluation.

B

(a) Took note with satisfaction of the evolution of many major activities from emergency or relief programmes to the promotion of self-reliance leading to durable solutions;

(b) Welcomed the High Commissioner's co-operation with other members of the United Nations system such as the World Bank, ILO and UNDP in programmes which would further the self-sufficiency of refugees, provide employment opportunities for them and, where appropriate, strengthen the economic and social structures in areas of refugee concentration and assist in the settlement of refugees among local communities in countries of asylum;

(c) Noted with satisfaction the continued attention paid to voluntary repatriation, in particular through the expanded programme for Ethiopian returnees, the recently completed programme in Chad and the ongoing programmes for Indo-Chinese returnees;

(d) Took note of the relative stabilization of the refugee problem in the Horn of Africa and the Sudan, and commended the High Commissioner for the progress made both in promoting voluntary repatriation and in shifting the emphasis of assistance programmes toward self-sufficiency activities;

(e) Expressed concern regarding the situation of refugees in Central America and urged the High Commissioner to expand his efforts to provide humanitarian assistance to those refugees;

(f) Took note with deep concern of the tragic events in Lebanon and urged the High Commissioner to continue, within his competence, the efforts to assist the victims of those events;

(g) Noted with appreciation the progress made in the implementation of the assistance programme in Pakistan and expressed gratitude to the Government of Pakistan and the High Commissioner for their efforts in the care and maintenance of refugees and for promoting employment- and income-generating activities.

C

(a) Took note of the report on the resettlement of refugees (A/AC.96/607) and of the resettlement activities undertaken by the High Commissioner in co-operation with Governments and with the intergovernmental and non-governmental agencies concerned;

(b) Stressed, in accordance with the principle of international burden-sharing, the importance of Governments continuing to admit refugees who, in the absence of any other durable solution, were in need of resettlement, including by application of criteria to facilitate admission of refugees lacking family or other links to any resettlement country;

(c) Requested Governments to admit speedily those refugees who have special needs such as emergency cases or disabled refugees;

(d) Noted with concern the significant decrease in resettlement opportunities for Indo-Chinese refugees and displaced persons and urged Governments to maintain the momentum of resettlement based on equitable international burden-sharing;

(e) Commended the High Commissioner for his efforts in promoting the Orderly Departure Programme from Viet Nam and urged all Governments concerned to facilitate the implementation and expansion of the programme;

(f) Took note of the growing number of refugees from the Middle East throughout the world and urged Governments wherever necessary to provide those refugees with resettlement opportunities.

## V. ADMINISTRATIVE AND FINANCIAL MATTERS

(Item 7 of the agenda)

97. During the discussions on agenda item 7, it was noted that many comments relating to the item had been made previously, during the general debate or in consideration of other items; furthermore, they had been dealt with extensively by the Sub-Committee on Administrative and Financial Matters, whose report (A/AC.96/612) was presented to the Executive Committee by the Chairman.

98. The debate focused on four main topics that had been raised in the Sub-Committee on Administrative and Financial Matters: the proposed increase of posts in the revised 1982 and 1983 budget; the review of UNHCR managerial methods and organizational structure by the United Nations Administrative Management Service (AMS); conditions of service in the field and the related proposal for the establishment of a revolving fund for field staff housing; and the financing of UNHCR administrative costs.

99. The Chairman, having listened to the views of the delegates, suggested that the financial targets for 1982 and 1983 General Programmes be approved as indicated in schedule A of document A/AC.96/606 and Corr.1 and 3, with the exception of the proposed additional posts indicated on pages xxx and xxxi of the document. The question of additional posts would be the subject of further deliberations by members of the Executive Committee at a meeting which would be called for January 1983. Pending the outcome of that meeting, the revised financial targets for General Programmes for 1982 would be \$350,082,100 and for 1983 would be \$361,256,500.

100. Expressing their regret that the full report of the AMS was not available in time for an in-depth review of its recommendations, several speakers asked that an informal session of the Committee be convened shortly after the full report was received to discuss with the High Commissioner his views on the report. One speaker reminded the Committee that it remained the prerogative of the High Commissioner to decide on how to comment finally on the recommendations contained in the report.

101. All speakers expressed their sympathy and support for UNHCR efforts to improve conditions of service for its field staff, particularly with a view to encouraging rotation of staff between headquarters and the field. Some speakers expressed reservations on the mode of financing of the proposed revolving fund and suggested that action should be deferred until the results of the study currently being undertaken by the International Civil Service Commission were available, with a view to taking a common approach with other United Nations organizations concerned by that problem. The Director of Administration and Management explained that the proposal was of an experimental nature and was subject to review each year.

102. On the question of the financing of UNHCR administrative costs, several speakers expressed their appreciation of the joint report by the Secretary-General and the High Commissioner on the proposed apportionment of administrative expenditure between the United Nations regular budget and UNHCR voluntary funds. Some speakers, however, recalled their Governments' position regarding the concept of zero growth in the United Nations regular budget and suggested, in line with

the recommendations of the Advisory Committee on Administrative and Budgetary Questions, as contained in paragraph 21 of document A/AC.96/611/Add.1, that decisions by the General Assembly on the Secretary-General's proposals for the transfer of posts should be taken on a case-by-case basis in the context of his proposed programme budgets for 1984-1985 and subsequent biennia. The Director of Administration and Management emphasized that, for the members of the Committee, the full application of article 20 of the UNHCR Statute should be the primary factor and that considerations relating to the overall regular programme budget of the United Nations were the responsibility of the Secretary-General and subject to final decisions of the General Assembly.

103. Many speakers commended the High Commissioner on the progress achieved in providing adequate information to the members of the Executive Committee and expressed the wish that that trend should continue.

#### Decisions of the Committee

##### 104. The Executive Committee

###### A

Took note with appreciation of the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/612).

###### B

(a) Took note of the accounts for the year 1981 and the report of the United Nations Board of Auditors thereon (A/AC.96/604);

(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 financial reports and accounts of the voluntary funds administered by UNHCR for the year ended December 1981 (A/AC.96/604/Add.1).

###### C

Taking note of the programme support and administration sections of the report on UNHCR Assistance Activities in 1981-1982 and Proposed Voluntary Funds Programme and Budget for 1983 (A/AC.96/606 and Corr.1 and 3),

Noting the relevant section of the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/612),

Noting further the report of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/610 and Corr.1) and the comments contained therein,

Taking note further of the supplementary information prepared by the Office of the High Commissioner (HCR/EC/XXXIII/CRP.1),

(a) Stressed the importance of continued efforts by the Office of the United Nations High Commissioner for Refugees to meet additional needs through the redeployment of staff and in that context decided to defer until January 1983 consideration of the additional General Programme posts proposed by the High Commissioner;

(b) Welcomed the information flow established between the High Commissioner and members of the Executive Committee on managerial questions and expressed the desire that the dialogue be actively maintained, both informally and through the Sub-Committee on Administrative and Financial Matters.

D

Expressed the wish that the High Commissioner discuss informally the results of the AMS study with the members of the Executive Committee before sending his comments to the Secretary-General of the United Nations.

E

Taking note of the High Commissioner's document on conditions of service in the field (EC/SC.2/9),

Further taking note of the relevant section of the report of the Sub-Committee on Administrative and Financial Matters,

(a) Affirmed its support for the High Commissioner's efforts to improve the conditions of field service of UNHCR staff and recognized the urgent need to remove impediments to the mobility of international staff;

(b) Approved the establishment of a revolving fund for staff housing and basic amenities on an experimental basis for a period of two years, through the allocation of an amount of \$3 million from the Programme Reserve;

(c) Requested the High Commissioner to discuss informally with the Sub-Committee on Administrative and Financial Matters the terms under which the fund would be operated, and to report annually on the functioning of the revolving fund to the Executive Committee, through the Sub-Committee on Administrative and Financial Matters.

F

Recalling its recommendations to the General Assembly at its thirty-fourth, thirty-fifth and thirty-sixth sessions that the High Commissioner and the Secretary-General of the United Nations review the question of the apportionment of the administrative costs of UNHCR between the regular budget of the United Nations and UNHCR voluntary funds,

Recalling further that the United Nations Board of Auditors, in its report to the General Assembly at its thirty-sixth session on the accounts of the voluntary funds administered by UNHCR for the year ended 31 December 1980, 6/ (a) had noted that over the years voluntary funds had assumed an ever-increasing share of the administrative costs of UNHCR; and (b) had recommended that appropriate steps should be taken to ensure compliance with article 20 of the Statute of UNHCR,

Taking note of the report of the Secretary-General on the review of the financing of the administrative costs of UNHCR (A/AC.96/611 and Corr.1),

Noting the reservations of the High Commissioner outlined in paragraph 32 of the present report,

Taking further note of the report of the Advisory Committee on Administrative and Budgetary Questions on this subject (A/AC.96/611/Add.1),

(a) Commended the Secretary-General and the High Commissioner for their efforts to resolve that long-standing problem;

(b) Affirmed its full support for the principles outlined in the Secretary-General's report, which were in keeping with article 20 of the UNHCR Statute;

(c) Recommended to the General Assembly that it should take due note of the comments of the Advisory Committee as contained in document A/AC.96/611/Add.1 and that it should approve the principles outlined in the Secretary-General's report, which formed the basis for an equitable apportionment of the administrative costs of UNHCR between the United Nations regular budget and voluntary funds.

VI. STATUS OF CONTRIBUTIONS AND OVERALL FINANCIAL REQUIREMENTS  
FOR 1982 AND 1983

(Item 8 of the agenda)

105. The Director of External Affairs introduced the item and referred to further contributions announced since 28 September 1982. Concerning the 1982 General Programmes, the total of funds available as at 18 October 1982 was \$341 million, leaving a shortfall of \$19 million against the proposed revised 1982 target of \$360 million. UNHCR was extremely grateful to all Governments that had contributed to the 1982 programmes but hoped that the additional \$19 million needed would be made available soon.

106. Concerning the 1983 General Programmes, the Director requested that Governments announce substantial, firm and, to the extent possible, unearmarked contributions to the 1983 programmes at the Pledging Conference to be held in New York on 19 November 1982. UNHCR would need \$150 million on 1 January 1983 to guarantee the balanced initial implementation of the 1983 General Programmes. The Director said that UNHCR was very much aware of financial constraints on Governments. Current refugee needs, although somewhat reduced, were considerable and UNHCR hoped that Governments would continue to give UNHCR the necessary resources to carry out the programmes as approved by the Executive Committee.

107. In response to a question from one delegate, it was clarified that approval of document A/AC.96/605 and Corr.1 did not involve approval of the decisions requested of the Executive Committee in document A/AC.96/606 and Corr.1 and 3.

108. During the course of the debate the following additional contributions were announced for all UNHCR Programmes in 1982:

	\$
Canada	9,756,000
Denmark	4,500,000
Finland	618,000
Japan	28,600,000
Nigeria	10,000
Switzerland	648,000
United Kingdom of Great Britain and Northern Ireland	2,008,000

109. A number of Governments announced that they would increase their contributions to UNHCR for 1983.

Decisions of the Committee

110. 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 overall financial requirements for 1982 and 1983 (A/AC.96/605 and Corr.1);

(b) Expressed appreciation of the generosity of all Governments and non-governmental organizations that had responded to the financial requirements of the High Commissioner's programmes and affirmed the hope that the additional funds required would be made available to ensure the full financing of the 1982 programmes;

(c) Reaffirmed the universal character of the refugee problem in the world and the need for more equitable and widespread financial support within the international community for the programmes undertaken by the High Commissioner;

(d) Recognized also that the orderly implementation of the 1983 General Programmes required that a substantial proportion of the total funds required of \$371,256,500 should be available to the High Commissioner at the beginning of the programme year in January 1983 and to that end urged Governments to announce sufficient substantial pledges to the UNHCR General Programmes for 1983 at the Pledging Conference to be held in New York in November 1982;

(e) Urged Governments and others to make, to the maximum extent possible, unearmarked contributions to the 1983 General Programmes to enable the High Commissioner to implement those programmes as approved by the Executive Committee;

(f) Requested and encouraged the High Commissioner to pursue all appropriate means, such as appeals and the negotiation of contributions, to obtain the necessary resources to ensure full financing of the 1983 programmes.



VII. PROVISIONAL AGENDA FOR THE THIRTY-FOURTH SESSION  
OF THE EXECUTIVE COMMITTEE

(Item 9 of the agenda)

111. The following draft provisional agenda was adopted by the Executive Committee for its thirty-fourth session:

DRAFT PROVISIONAL AGENDA

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. General debate.
5. Action taken on decisions by the Executive Committee.
6. International protection (including the report of the Sub-Committee of the Whole on International Protection).
7. UNHCR assistance activities.
8. Administrative and financial matters (including the report of the Sub-Committee on Administrative and Financial Matters).
9. Status of contributions and overall financial requirements for 1983 and 1984.
10. Durable solutions.
11. Consideration of the provisional agenda of the thirty-fifth session of the Executive Committee.
12. Any other business.
13. Adoption of the draft report of the thirty-fourth session.

VIII. ANY OTHER BUSINESS

(Item 10 of the agenda)

112. The Permanent Representative of Morocco introduced a letter which he had addressed to the Chairman on behalf of the Arab Group in Geneva requesting the inclusion of Arabic as a working language of the Executive Committee. Subsequently, the representative of Nicaragua, supported by the majority of Latin American representatives, and the representative of China respectively suggested that Spanish and Chinese should also be included. On a proposal by the Chairman, the Committee therefore adopted the following decisions:

Decision of the Committee

113. The Executive Committee

Taking note of the letter dated 15 October 1982 signed by the Permanent Representative of Morocco on behalf of the Arab Group in Geneva suggesting the inclusion of Arabic as a working language of the Executive Committee, and of the suggestions made by the representatives of Nicaragua and China also to include Spanish and Chinese as working languages of the Executive Committee.

Requested UNHCR to consider, in co-operation with the United Nations, the related logistical and budgetary implications and to report thereon to the Executive Committee at its thirty-fourth session.

Notes

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

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

3/ Held at Geneva on 20 and 21 July 1979. For the report of the Secretary-General, see A/34/627 and Corr.1.

4/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12), paras. 8-72.

5/ Ibid., para. 71.

6/ Ibid., Thirty-sixth Session, Supplement No. 5E (A/36/5/Add.5).

ANNEX

Opening statement made by the High Commissioner for Refugees to  
the Executive Committee of the High Commissioner's Programme at  
its thirty-third session on 11 October 1982

1. Mr. Chairman, allow me first of all to congratulate you most warmly on your election as Chairman of this session of the Executive Committee. I am sure that under your guidance we shall have a constructive session, and I look forward to co-operating closely with you, as well as with our distinguished Vice-Chairman and Rapporteur, to whom my congratulations also go. May I also express my deep appreciation to the outgoing Chairman and outgoing Bureau for their valuable contributions throughout the year.
2. On the occasion of our annual sessions, the main part of my introductory statement is usually aimed at bringing you up to date in some detail with the world refugee situation. Today, I shall do otherwise. Indeed, I think that these aspects are covered by the documents put at the disposal of the members of the Executive Committee for the session and throughout the year. In the report on UNHCR Assistance Activities, which we sometimes call "the book", you will find more detail than in previous years - both global and country by country - as well as tables and figures. We have also had informal meetings and have distributed documents at regular intervals within the flow of information arrangements.
3. Since I believe that a "tour d'horizon" would be repetitious, I feel I should rather share with you some of our thoughts and concerns - as it were, to think aloud - and then to ask you in the ensuing debate to help us with your comments, analysis and conclusions.
4. Mr. Chairman, while we try to be faithful to our mandate, as well as to the recommendations and decisions formulated by the Executive Committee and the General Assembly, it is our task to transform the principles and concepts into practice and day-to-day action. In so doing, we face a number of problems.
5. Thus, let me touch on some of the issues that have been discussed in the office week after week, and which indeed have also often been discussed with members of the Executive Committee.
6. It is obvious that the refugee situation in the world today is different from what it was 20 or 30 years ago.
7. It is different geographically, as refugees in the years after the Second World War were mainly European refugees, while today the refugee problem spreads over all continents.
8. It is different in the approach required by the "case-load" - an ugly word we often use. The concern, years ago, was directed much more to individuals or small groups of refugees. Today, in many cases, refugees arrive in a country in large numbers, often groups numbering tens or hundreds of thousands.
9. The refugee situation is different in that European countries of asylum were usually able to take care of the asylum seekers with only comparatively small-scale material assistance from the international community. Today, the majority of

refugees are in developing countries, often the least developed. The receiving countries simply cannot carry the heavy burden without substantial international assistance. Hence a set of complex issues.

10. Thirty years ago, the refugee office's duty - apart from its more general task of promoting refugee rights - was to afford protection to individuals or single families and, to a limited extent, to assist them to overcome economic and social difficulties. Today, while the protection task remains fundamental, the assistance function has reached considerable magnitude: we assist large numbers of refugees throughout the world, first of all to survive, but also to reach self-sufficiency.

11. When you look into the evolution of refugee work, you often find yourself caught in a set of borderline situations. Where is the dividing line between a refugee and a non-refugee? What is the distinction between the social and economic problems posed by a refugee situation, and the social and economic problems of the receiving country as a whole? Where is the frontier between humanitarian assistance to refugees, and development? Between political and humanitarian work? In some situations, the answer is clear-cut. In others, we are on the borderline, and this is where most of the problems arise. It is well known: when you are in your own territory, you can handle the problems, following established principles and guidelines; when you approach the edge of the territory, complications arise.

12. The situation we face today evokes a number of questions, which we have examined with the members of the Executive Committee - I have in mind especially our informal exchange of views in May.

13. First, a question we often hear: who is a refugee? Or, more broadly, who is a "person of concern to UNHCR"? Answers are given in the UNHCR Statute, the 1951 Convention and other international legal instruments, as well as in the resolutions on refugee matters in the United Nations General Assembly. If I follow the thread, it is clear to me that, in principle a person of concern to UNHCR is outside his own country. Only in special cases may internally displaced persons fall within our scope, usually in conjunction with a genuine refugee problem or a repatriation operation, when UNHCR is specifically requested to act accordingly. But not all persons outside their country can be considered as being of concern to UNHCR. Economic migrants and alien workers are, of course, not refugees as such. They are outside their country, but they can seek the protection of their diplomatic and consular authorities, and they can go back. However, in a large number of instances, the distinction is not easy to make. Borderline cases have always existed, but the situation has grown in complexity. Today, more than ever, people leave their countries for a combination of reasons very often so intimately linked that the dominating factors are not always easy to discern.

14. To comply with these evolving realities, the General Assembly introduced, in refugee resolutions as from 1975, the concept of "displaced persons" - which had been applied in other circumstances connected with the Second World War. Thus, in addition to refugees within the terms of its Statute, UNHCR concerns itself with uprooted persons in refugee-like situations.

15. The background to such situations, attributable to man-made disasters, may be an international conflict, a civil strife, various forms of instability within the country of origin. Here again, we tread the borderline of concepts and definitions. In these humanitarian problems, full of nuances, it is difficult to give a definitive overall answer. Situations are never exactly alike. Experience

has shown that, within our mandate, a pragmatic approach is called for. In order to act, we are guided by such factors as the existence of a refugee-like situation, of a genuine humanitarian need, of a request from Governments.

16. Another group of questions might be given the headline: Where is the frontier between humanitarian work for refugees and development assistance to a country?

17. It is absolutely clear that UNHCR should not participate in the development efforts of a developing country. These efforts are necessary, indeed indispensable, but they are not the task of UNHCR. Just as the High Commissioner is not the world's minister for social affairs, for education, for health, he is not the minister for development. He is the High Commissioner for Refugees. This is why, when refugees arrive in a developing country in large numbers, he must react. Our people in the field see it as an immediate necessity. How is it possible not to try to help? It is not a question of rules, of definitions or paragraphs, but of doing what you can - and must - in an emergency.

18. In the emergency phase, refugees must be helped in the best possible way. As a practical guide, the UNHCR Emergency Unit has prepared an Emergency Handbook, which has been distributed to all our field offices and also to many organizations, governmental and non-governmental, who join in the efforts deployed during the emergency phase. This phase is full of obstacles. Refugees often come to regions, or for different valid reasons must be placed in regions, where resources are scarce or, in fact, non-existent. Over the years there have been many examples of refugee sites or settlements where there was no drinking water. Wells had to be dug, or water brought to the settlement by tanker or by barge. It is easy to examine what this means in terms of practical difficulties, of logistical problems, and in financial requirements. Food had to be provided with the help of the World Food Programme, the European Economic Community or by bilateral assistance. Having arrived at the nearest port, it often had to be transported long distances, sometimes exceeding 2,000 kilometres. The same, of course, goes for tents, medicines and other necessities. So, emergency relief: yes. But, already in the emergency phase, some indispensable measures may have a developmental connotation. Let me cite some examples.

19. A group of refugees is placed in an area where the river is the only source of drinking water. The river-water is contaminated and polluted, and it would be unthinkable not to try to establish a purifying plant, a generator for the pumps, water tanks and a distribution system, either by water-tanker or by pipe-line from which the water can be tapped. Apart from the great benefit and relief that such an installation brings to the individuals concerned, which is of course the major consideration, we could maintain - in somewhat cynical terms - that the running costs of the system are negligible compared with the cost of medicaments and treatment necessary to cope with the diseases resulting from drinking polluted water. The initial investment will, of course, require funds. Everyone would agree that the funds are well spent. But is such an installation "development assistance"? - as it goes without saying that the local population may also benefit from the purification plant.

20. Another example: to serve a refugee population, we need to construct one or more dispensaries with some basic, day-to-day medicaments. Often very simple - a hut, with a thatched roof, a cupboard and some shelves. Also useful for the local population. It is necessary, and provides a bare minimum component of relief aid. But are such dispensaries to be regarded as development assistance?

21. The question becomes even more significant when we consider measures towards the self-sufficiency of refugees. Indeed, we see our task as not only to help people to survive, but also (as mentioned in the Statute of the Office) to help them to reach a durable solution. From the very first minute of a new refugee situation, we have to ensure that the refugees overcome the emergency and then aim towards achieving a durable solution. Is it possible for the refugees to go back of their own free will? Or can we help them to settle where they are and, in that way, become self-supporting? If we withdrew immediately after an emergency phase, the refugees would, in many cases, slide back into a critical - perhaps even an emergency - situation.

22. Thus, in planning our programmes, we try to give increasing weight in each situation to those components aimed at bringing the refugees to a level where they can take care of themselves. In this endeavour, is it possible for the High Commissioner to ask other agencies to assume responsibility for what is bordering on development? Much as we would like to, in practice this is not so easy. Of course, whenever possible, we work closely with the United Nations agencies, and the non-governmental agencies that are so indispensable to us in our work. In the assistance document, you will find many examples of such co-operation. The usual situation, however, is that other agencies that give us their valuable help encounter difficulties when it comes to taking over entire operations. They already have their plates full. They have their own mandates to fulfil, or have established procedures that are not always compatible with the urgency of a refugee situation. So, if UNHCR does not assist the refugees - or mobilize assistance to them - in many cases they will not be assisted at all.

23. Let me add that, if we ask a receiving country to include a refugee area or a refugee group in their development programmes, we often get the answer - indeed understandable - that, while the Government is prepared to receive the refugees, to make land available to them, and to allow them to make use of existing administrative facilities and infrastructure, it is not possible to allocate part of their badly-needed development resources to the refugees. "They have come from outside, we have opened our doors to them and they can stay." But other countries - the international community - will have to supplement the receiving countries' efforts.

24. To summarize: the process leading towards refugee integration is not simply a succession of phases - that is, relief, self-sufficiency, development - where UNHCR could just phase out and hand over at a given point.

25. These phases overlap easily, and sometimes measures that may be considered as development must be taken in the early stages of a relief operation - as in the case of lack of water at a refugee site. At all stages, consolidation measures also have to be taken so that the progress made is hampered as little as possible by outside events. During the whole process, other organizations - within or outside the United Nations system - must be called upon, according to their mandates, their procedures and their actual possibilities. This is valid from emergency relief - the World Food Programme is an obvious example - all the way to development. Wherever appropriate and feasible, UNHCR does not hesitate to hand over, in an endeavour to confine itself to activities where circumstances make its intervention imperative.

26. I turn now to one fundamental aspect of our work: its absolutely non-political character. This, too, is like walking a tightrope. Refugee problems

are by definition political problems, but it is decisive - indeed, it is our raison d'être - that to help refugees is humanitarian and non-political. We are helping refugees become self-sufficient, but we are not supporting them in their political fight if they are involved in such a struggle. Our personal opinion may be that they are 100 per cent right, but as a United Nations organization we cannot, and should not, take sides, nor be party to any political conflict. Often Governments, movements, private organizations try to enlist UNHCR in a political effort or ask us to support them, if only by lending our name to a campaign. The answer must always - and will always - be "No".

27. Nor can, or should, UNHCR try to tackle any of the so-called "root causes". It is in many cases clear what the cause of a refugee problem is. It is also important that the international community do its utmost to try to remove such causes. But it is not for UNHCR to attempt to solve these problems at their root. Not because we are afraid of protesting against a Government, or of going against rulers. In fact, we sometimes have to do so to protect the rights of the refugees. But the High Commissioner must remain outside any political fight. If he were to do otherwise, he would certainly be praised and supported in some quarters - at least momentarily - but at the same time, many doors would be closed to him, and he would be hindered in doing the job he is meant to do.

28. Mr. Chairman, I have touched upon some of the issues concerning UNHCR and explained some of our thinking to the members of the Executive Committee. It is obvious that the problems and questions, difficulties and achievements I am talking about are problems that we have in common.

29. The work of UNHCR is not the responsibility of its staff members alone. Indeed, the responsibility is also yours. It is a source of satisfaction to you when the work is successful, it is your concern when we have difficulties. Efforts to help refugees are the work of the United Nations and - very much - that of the nations represented in the Executive Committee. UNHCR was started by nations. They had the vision, the political will, the idealism to put this body on its feet; they had the wisdom to draw up a Convention to which 93 States, from all continents, are now party; they gave it a Statute, a mandate that has proved valid throughout the years, the changes, the turmoils. Many problems have arisen; the whole background has changed in 30 years, as so many countries have become free and independent. Year after year, refugees have needed not only sympathy, but also hospitality, open arms and homes, as well as financial generosity, since needs grew from a few million dollars to hundreds of millions of dollars a year. But the needs were always met, the nations were united in their will to maintain and support this humanitarian task. The report of the High Commissioner is, year in, year out, approved by the United Nations General Assembly without a vote; the High Commissioner has been elected unanimously; and in the Executive Committee it has been an unfailing rule, carefully observed by its members, that a vote has never been taken. Political dissensions, real and vital as they are, have always given way to the conviction that in the humanitarian task all should agree and decisions be taken by consensus.

30. Thus, in considering UNHCR and the state of our work, I feel assured that I am also speaking on your behalf, and that we all have the same spirit and determination to overcome the difficulties of the task.

31. It seems to me that the United Nations - and I mean all the nations of this world Organization - can take pride in the humanitarian work achieved. It is to

the credit of all Governments that they do meet, not only to discuss political problems, to examine and seek remedies to economic and social difficulties, to carry out the thankless work of achieving compromises in fields where so much conflict prevails, but that they also meet in a spirit of consensus to engage in humanitarian work, to improve the quality of life and to alleviate the burdens of the peoples of the world. Certainly, much of the suffering in the world is the outcome of conflicts and wars between nations, the result of social and economic injustice - but at the same time there is a will - widespread, even unanimous - to help the victims of war, disease, injustice. The humanitarian work of the United Nations testifies to this will.

32. This is true not only for the work on behalf of refugees. There are many other humanitarian areas to think of, but here we concentrate upon the international work done to protect and assist the uprooted and - if at all possible - to help them to settle and start a new life in safety and dignity.

33. This humanitarian activity is one of the most rewarding activities in the international community. Why?

34. First of all, because we deal with people, individuals, human beings. Of course, we also deal with figures, statistics, abstract problems, concepts, paragraphs, definitions, etc.; all this is necessary - a part of life that could sometimes be seen as lifeless, sterile and theoretical, if it were not for the ever-present knowledge that the real object inspiring the entire activity is the individual. In our work for refugees, it is a privilege to be close to the individual, to see persons protected against refoulement and often saved from prison, torture and possible execution, to see a family reunited. It is worth all the effort when you see spouses, parents, children reunited and thus able to take up life again together; to see a group of people in distress and in dire need revive; to see starving children with big bellies and limbs like matchsticks recover - and all this because the so-called international community, which encompasses United Nations bodies, individual States, voluntary organizations, has come to their aid and sent food, milk, medicine, tents, blankets and other commodities.

35. Secondly, because humanitarian work does show concrete results. I do not for one minute underestimate the work done in the political fora. Without it, would the world not suffer even more? Indeed, results are achieved in the political field. But, in the more specific humanitarian sphere - closely linked to the political and economic situation in the world, and often a reflection of the political side of the coin - you have the privilege of seeing quicker - and, as it were, palpable - results. In numerous situations, refugees are satisfactorily settled outside their homeland before the political problem that caused their departure is solved. On other occasions, however, a political settlement will be a capital element in the solution of a refugee problem. Some situations that seemed hopeless thus come to a quick solution. We have many examples. In 1978, almost 200,000 refugees went to Bangladesh from Burma, and we thought that we would be confronted with a long - and perhaps insoluble - problem. But the two Governments reached an understanding, the way back home opened up for the refugees and UNHCR was asked to arrange this voluntary repatriation. Today, they are all back in their own countries, the camps we set up in Bangladesh are all dismantled, and the office in Dacca is closed.



36. When I took up my assignment as High Commissioner in January 1978, my first journey was to Africa. I especially wanted to visit the refugee camps and meet the authorities in the countries surrounding Rhodesia, now Zimbabwe. I visited Mozambique, Lesotho, Swaziland, Botswana, Zambia and the United Republic of Tanzania. At that time, we estimated that there were some 250,000 refugees from Rhodesia. It was therefore a great experience for me to attend the independence celebrations of Zimbabwe in April 1980. Today, all the refugees have been repatriated.

37. Four weeks ago I visited the United Republic of Cameroon. I met several hundred refugees - some were students from Namibia, and there was still a small group from Chad. Yet, less than a year ago, more than 100,000 people from Chad - who have now returned to their homeland - had sought refuge in Cameroon, a country that had received them with hospitality and warm-hearted friendship and fraternity. Some remaining groups have returned to Chad more recently, and will be assisted there to resume a dignified existence in their homeland.

38. In the third place, it is also rewarding to notice that the non-political, humanitarian role of the High Commissioner's Office is accepted and recognized in all quarters. When it comes to the humanitarian task of the United Nations, then the nations are united, or at least they agree to minimize their political differences for the sake of the humanitarian cause. There is indeed a political will to protect individuals. If you look for a glimmer of hope in a gloomy situation, you may find one here.

39. Mr. Chairman, I have been asked what I expect from this session of the Executive Committee. In answer, let me say two things: in the first place, I hope and expect that the deliberations of this meeting will lead to a clear recommendation that the mandate of UNHCR remain unchanged. In my opinion, it would be disastrous for refugee work if the mandate were to be changed. The mandate has proved good, useful and flexible in so many situations throughout the years; it has been a solid foundation on which to build. The General Assembly has been adapting the construction to fit in with the changing situations, but the foundation has remained untouched. The mandate has never been an obstacle to us, nor a hindrance in serving the cause of the refugees. On the contrary, it has been a strength on which to stand, a basis recognized by so many States for so many years.

40. Secondly, I hope that it will be clear after this session, as has been the case so many times in preceding years, that we - we in the Executive Committee, we in the Office - do not get tired. We are not "fatigued in our compassion". We on the humanitarian front are still ready to fulfil our obligations. We are committed to the cause of refugees, to protect them, to come to their rescue, to help them regain their dignity. For many refugees in the world, the work of the United Nations - of UNHCR - is literally the only hope. Let us not let them down.

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