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SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. RODRIGUEZ-MEDINA (Colombia)

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 74: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES
(A/38/274, A/38/173)

1. Mr. ADJOYI (Togo) said that he welcomed the initiative of the Federal Republic of Germany which had made the international community more aware of the seriousness of the problem of refugees as a potential factor disturbing international peace and security by bringing about the adoption of the first resolution on the question. The phenomenon of refugees was assuming constantly growing proportions with the increase in the numbers of factors giving rise to it and was a source of deep concern for which radical solutions had to be found.
2. While awaiting those solutions, immediate action must be continued, in particular the relief programmes and operations of the United Nations. It was desirable that that aid should be increased because of the enormous dimensions of movements of refugees and also so as to enable the Secretary-General to use part of it to increase preventive actions to eliminate the deep-seated causes of the problem of refugees.
3. The international community could not take appropriate measures to avert new flows of refugees unless it carefully identified the origins of the phenomenon. Thus the establishment, under General Assembly resolution 36/148, of the Group of governmental experts responsible for undertaking a comprehensive review of the problem of refugees in all its aspects with a view to developing recommendations on appropriate means of international co-operation in order to avert new flows of refugees was of great importance. That study must be undertaken in the framework of a constructive, future-oriented approach and in conformity with the spirit which must form the basis of friendly relations and close co-operation among Member States. Moreover, in resolution 37/121 the General Assembly had called upon the Group of Experts to submit a report for deliberation by the General Assembly at its thirty-eighth session.
4. The report (A/38/273) was both concise and exhaustive. It was the result of very long debates and intensive negotiations and provided the broad outlines of the programme of work of the Group of Experts which constituted a flexible framework for the in-depth work which would have to be done later. The study envisaged would include an introduction assessing the situation of refugees in the world and clearly specifying the mandate of the Group. The consideration of all the circumstances causing new flows of refugees should not be limited only to the currently known causes or to political causes but also envisage other circumstances which could give rise to new flows of refugees. Appropriate means to improve international co-operation were fundamental to the work of the Group of Experts which should carry out an analysis and study of the relevant instruments, norms, principles, machinery and practices to determine possible inadequacies and make proposals for improvement.

(Mr. Adjoyi, Togo)

5. The report of the Group revealed that its members appreciated not only the delicacy but also the complexity, difficulty and scope of their task. Thus in their recommendations they had felt it necessary to have at least two sessions of two-weeks' duration each in 1984. It was envisaged that one of the two sessions would be held outside New York so as to maintain an appropriate psychological atmosphere for the smooth performance of the work, but his delegation was not opposed to the second session being held in New York if that was the wish of the General Assembly.

6. It was essential that all the experts should be able to participate in the various sessions of the Group and the United Nations should therefore take appropriate measures to that end, notably in respect of experts from developing countries and in particular experts from the least developed countries. His delegation was aware of the dire financial situation of the United Nations and shared the opinions expressed regarding the reduction of expenditure. However, some expenditure was necessary, such as that relating to meetings of the Group of Experts. Moreover, expenditure made in the context of the work of the Group would produce savings in the long run to the extent that the final recommendations of the Group helped avert new flows of refugees.

7. The future work of the Group would be difficult; it should not consist of sterile debates concerning past or present situations but of exchanges of views oriented towards the future. The Group of Experts should display all the necessary accessibility and sensitivity arising from the sense of responsibility of each of its members towards the international community. It should undertake the in-depth consideration of the programme of work contained in its report from a global angle enabling it to consider the problem as a whole. The programme could not be carried out unless the United Nations gave favourable consideration to the recommendations submitted by the Group.

8. Mr. JELONEK (Federal Republic of Germany) said that alarming developments in the international situation during the preceding year had highlighted the urgent need to tackle the causes of the refugee problem rather than its consequences and to develop, as quickly as possible, adequate measures for international co-operation that could prevent, or at least contain, new massive flows of refugees.

9. In view of the importance of international co-operation in that field, his delegation was pleased that the Group of Governmental Experts established by General Assembly resolution 36/148 had finally been able to begin its work, and, in two sessions, achieve the remarkable results outlined in its report to the General Assembly (A/38/273). Nevertheless, given the magnitude of the task and the urgent need for preventive measures in that area, his delegation would have preferred even more rapid progress. Unquestionably, the bulk of the substantive work remained to be done. As it was, that task currently had greater importance for the easing of tensions and the strengthening of international peace and security than ever before.

10. His delegation recognized that the extremely important task of the Group of Experts required patience and perseverance, and did not underestimate the intricacies of an approach which must address the underlying, primarily political causes of massive flows of refugees. Seen from that perspective, the Group of Experts had made commendable progress in its work. It had succeeded in adopting

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(Mr. Jelonek, Federal
Republic of Germany)

rules of procedure which took its specific character into account. It had also agreed on the need to deal with procedural questions in a flexible manner, a matter of major significance, and had acknowledged the importance of reaching general agreement if its work was to be successful. His delegation was convinced that the consensus reached on the rules of procedure provided a solid basis for continuing its work, which, it was to be hoped, would lead to results that would be acceptable to all and could be easily translated into concrete measures. Even more important was the agreement on the outline of a programme of work which provided a framework for the Group's comprehensive study, the direction of which was thus clearly delineated. The international community could therefore rest assured that the Group's work would focus on substantive questions during the next phase. The structure of the programme of work would also allow for a division of the Group's complex task into clearly defined steps that would be easier to carry out.

11. In its preliminary discussion of substantive questions, the Group of Experts had been able to clarify a number of points and had agreed in particular that its mandate called for a general future-oriented approach that would lead to the preparation of concrete recommendations on appropriate means of international co-operation.

12. Furthermore, the Group believed that it was inadvisable to attempt to recast the legal definition of "refugee" as contained in a number of international instruments, although it felt that, without prejudice to existing definitions of the term, a working definition of the phenomenon that constituted the focus of its efforts should be agreed upon. Finally, it was agreed that an overly legalistic approach should not be adopted, but that effective means of averting new massive flows of refugees should be sought.

13. That seemed to indicate that the Group of Experts had adopted a constructive approach towards the fulfilment of its mandate. In order to enable it to continue its substantive work in the best way possible, the mandate laid down in General Assembly resolutions 36/148 and 37/121 must be confirmed and extended. Secondly, both the programme of work adopted by the Group of Experts and its procedural recommendations should be approved and supported. In that connection, his delegation strongly supported the recommendation that two sessions of two-weeks' duration each should be scheduled for 1984, experience having shown that a single week-long session did not allow for a meaningful discussion of such a difficult and complex topic. In addition, it was extremely important for the Group to be able to draw upon the knowledge and experience of all experts in the Group; his delegation therefore associated itself with the suggestion that the Organization should consider taking appropriate measures to that end.

14. Mr. KURODA (Japan) said that the problems of refugees continued to be a source of profound concern to the Government of Japan. The misery of those who were forced to leave their homelands and the disruption which massive flows of refugees created in the economic and social order of receiving States could not be ignored by the international community. Because large numbers of refugees could jeopardize the political and social stability of the surrounding regions, they were a potential danger to international peace and security.

(Mr. Kuroda, Japan)

15. Countries throughout the world had responded to those problems in many ways, sometimes on bilateral and multilateral levels. Japan had given bilateral assistance to the countries concerned and had also been making contributions to the efforts of the Office of the United Nations High Commissioner for Refugees, which it held in high esteem. Nevertheless, for political, racial or economic reasons, the number of refugees was increasing each year. There was a growing recognition that the international community must attack the problem at the source and that there could be no lasting solution until fundamental causes such as military conflict, oppression and racial discrimination had been eliminated. That was why the General Assembly, in resolution 36/148 which Japan had co-sponsored, had established a Group of Governmental Experts to undertake a comprehensive review of the problem of refugees in all its aspects, with a view to developing recommendations with due regard to the principle of non-intervention in the internal affairs of sovereign States. Japan was following with interest the work of the Group of Governmental Experts on procedural aspects and hoped that it would soon turn to substantive matters, always bearing in mind the two principles of non-interference in the internal affairs of sovereign States and the right of everyone to leave any country, including his own.

16. Japan committed itself to co-operating fully with the efforts of the Organization to alleviate the problems of refugees and avoid an increase in their numbers.

17. Mr. ELIOPOULOS (Greece), speaking on behalf of the 10 member States of the European Economic Community, said that new flows of refugees, apart from their purely humanitarian aspect, placed an extra burden on the economic and social structure of the receiving countries and very often gave rise to frictions, particularly between neighbouring States. That could lead to situations endangering peace and security in the regions concerned.

18. The member States of the European Economic Community believed that the international community should not remain silent or inactive in the face of the sufferings of millions of persons, but must do all in its power to help alleviate those sufferings and avert new flows of refugees. Indifference to their fate could not be justified, especially by an international community which had established numerous instruments and institutions aimed at the protection of human rights.

19. The international community should not merely deal with the effects of massive flows of refugees but should also address the causes with a view to preventing their recurrence. The debate on ways to achieve that aim was therefore very timely.

20. The existing institutions and instruments in the humanitarian field were essential to the work of helping refugees. The European Economic Community particularly commended the United Nations High Commissioner for Refugees and his staff for their efforts to relieve the sufferings of refugees around the world. The existing machinery for assistance should be supplemented by appropriate measures for international co-operation to prevent future massive flows of refugees. International efforts, undertaken in a constructive spirit, with an awareness of the problems of the past, must aim at improvement in future.

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(Mr. Eliopoulos, Greece)

21. The Ten expressed their satisfaction that the Group of Governmental Experts had been able to undertake the comprehensive review called for by the General Assembly in resolution 36/148. That review should be undertaken in the light of the existing relevant international instruments, norms and principles, with due regard to the right of refugees to protection and to their other rights. Given the urgency of the problem, the Ten had hoped for more rapid and substantial progress and they urged the Group of Governmental Experts to expedite its work. It was clear, nevertheless, from the first report of the Group of Governmental Experts (A/38/273) that the adoption of its programme of work had set it on a constructive course. The Group's mandate should therefore be extended and it should be authorized to hold two sessions of two weeks each in 1984.

22. Over the years, the international community had laid down rules which should govern behaviour among nations and peoples. Many instruments, including the United Nations Charter, contained provisions applicable to the question under study, particularly the Universal Declaration of Human Rights. The implementation of those instruments should be studied and encouraged within the framework created by the resolutions on the item.

23. Mr. KERGIN (Canada) said that his Government would be prepared to sponsor a draft resolution on international co-operation to avert new flows of refugees provided that the draft resolution took account of the preoccupations of the Canadian Government with respect to United Nations budgetary and organizational matters.

24. Canada had repeatedly pointed to the need for the international community to develop effective mechanisms to prevent or at least limit new flows of refugees.

25. It noted that the Group of Governmental Experts intended to examine the natural and man-made causes of new massive flows of refugees and expected that it would contribute constructively to the development of general guidelines for the conduct of States in that respect. By making that its main objective, the Group of Governmental Experts would make a contribution to the reinforcement of international law and principles related to movements of population.

26. The Canadian Government considered that a humanitarian approach to the problem of refugees was required; it was of the view that the international community's responsive capacity in the humanitarian field could be further enhanced by the early implementation of the relevant recommendations contained in the study on human rights and massive exoduses by the Special Rapporteur of the Commission on Human Rights. The Group of Governmental Experts was addressing the same problem from a different angle but it was to be hoped that in the long term those parallel attempts would enable the international community to adopt comprehensive solutions to the problem of massive flows of refugees.

27. Mr. RAMACHANDRAN (India) reminded the Committee that India had carefully followed the debate on the item concerning international co-operation to avert new flows of refugees ever since it had been included in the agenda of the General Assembly three years earlier. Massive flows of refugees were not only accompanied by widespread humanitarian problems but also affected domestic order and stability in the receiving countries and could jeopardize international peace and security.

(Mr. Ramachandran, India)

28. India had had first-hand experience of the problems arising from the influx and subsequent rehabilitation of huge masses of refugees; it was acutely aware of the heavy financial and social burdens which such influxes imposed on the international community as well as on individual States.

29. The exodus of peoples seeking refuge in a foreign land was not only a result of domestic policies but was also a symptom of a far deeper malaise that afflicted the international system. To prevent new flows of refugees, it was necessary to establish a new system of international relations based on respect for independence, equal rights and co-operation and one that would ensure peace, security and prosperity for all peoples.

30. The international community had at its disposal adequate machinery for dealing with the fundamental causes of the exodus of refugees, including, the violation of human rights, economic disparities between nations, internal or regional instability and foreign aggression.

31. The root causes of the problem had however not yet been adequately addressed and it was a matter for deep regret that the United Nations had still not achieved the withdrawal of the forces of aggression in certain parts of the world nor the restoration of the inalienable rights of the Palestinian and Namibian peoples which were still under foreign domination. The United Nations must be strengthened to make it more capable of enforcing its decisions to increase relief to host countries and to intensify efforts to find permanent solutions.

32. India welcomed the creation of the Group of Governmental Experts to undertake as soon as possible, in order to avert new massive flows of refugees, a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international co-operation in that field, having due regard to the principle of non-intervention in the internal affairs of sovereign States. His delegation noted with satisfaction that there had been general agreement that the Group should not adopt a legalistic approach, but search for effective means to avert new massive flows.

33. Developments in India's neighbour countries threatened to give rise to an involuntary flow of population. The Minister for Foreign Affairs of Sri Lanka had commented in a forthright manner to the General Assembly on the outburst of violence in which the Tamil minority had undergone untold sufferings. One category of Tamils in Sri Lanka had been there for centuries; another category, of Indian origin, had gone to Sri Lanka during the past century and many of them had not yet been given Sri Lankan citizenship. The problem of those so-called "stateless persons" had been resolved in an amicable manner between the Governments of India and Sri Lanka; however, hundreds of thousands of Tamils who had already been given Sri Lankan citizenship or who were still awaiting fulfilment of the promise to be granted it, unnerved by recent events, wished to seek refuge in India. Thousands had come and more were coming. It was consequently inevitable that the tension and conflict in Sri Lanka would have an impact on India. Following the tragic events of July 1983, the Prime Minister of India had offered her good offices to help in the process of resuming dialogue and the President of Sri Lanka had accepted that offer. As had been stated categorically by the Prime Minister, the Government of

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(Mr. Ramachandran, India)

India did not intervene in the internal affairs of Sri Lanka nor of any other country; it did not support any separatist movement, nor did it support or condone resort to violence of any kind. It was the sincere hope of his delegation that the Government of Sri Lanka would soon find a viable political solution which would guarantee safety and legitimate rights to the Tamils as full and equal citizens, so that the people of Sri Lanka could live together in peace and harmony.

34. His delegation would like to place on record its appreciation of the services which the United Nations High Commissioner for Refugees had rendered to displaced persons all over the world during the previous 33 years. Whatever steps might be taken to avert the flow of refugees should not be to the detriment of the humanitarian activities of UNHCR. If anything, the possible additional role of the world community should be complementary and not contradictory to that of the High Commissioner.

34a. In her keynote address to the seventh summit of the non-aligned countries, held in New Delhi, Mrs. Gandhi had said that India's guiding pole-star had always been the philosophy of tolerance. In its endeavour to obviate or at least to mitigate the tragic problem of refugees, the international community must approach in a spirit of tolerance its inescapable responsibility to protect and safeguard the basic human rights which entitled every individual to a decent and dignified existence in his homeland.

35. Mr. DUQUE (Philippines) said that his delegation fully shared the views expressed by the Secretary-General on the problem of refugees in his report on the work of the Organization (A/38/1). The problem of refugees could in fact be resolved only with a settlement of the root political causes. Despite the various efforts made by the United Nations to provide emergency assistance to many refugees and to alleviate their plight, the means available to the Organization were grossly inadequate in relation to the actual needs. It was therefore to be hoped that Governments as well as voluntary agencies would intensify their support of the United Nations for that important humanitarian endeavour.

36. The latest estimates indicated that there were in the world over 12 million refugees and displaced persons. The daily tragedy of their lives was a heavy load on the conscience of mankind. The Philippines, for its part, had been contributing to the international efforts aimed at improving the plight of refugees and displaced persons. The three refugee processing centres in the Philippines had given temporary refuge to more than 40,000 refugees and displaced persons from the Indo-Chinese peninsula. The Philippine Government had organized rehabilitation programmes with a view to preparing them for productive lives in their countries of final destination.

37. For the past three years, his delegation had sponsored General Assembly resolutions regarding international co-operation to avert new flows of refugees. It remained convinced that the international community should examine and develop appropriate and effective international mechanisms, in conformity with the Charter and other relevant international instruments, to halt the massive flows of refugees which had imposed serious political and economic burdens on receiving States,

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(Mr. Duque, Philippines)

especially on the developing countries which were countries of first asylum. That mass exodus of people had affected regional harmony and stability and had strained relations between neighbouring States. His delegation had already expressed its views on that subject in document A/37/416 dated 9 September 1982.

38. He was pleased to note the establishment of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, with the mandate to undertake a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international co-operation in that field. It was heartening that the Group had been able to agree on a programme of work which was a constructive step towards the fulfilment of its mandate.

39. In view of the importance and urgency of the task before the Group, his delegation was prepared to support the renewal of its mandate, as recommended by the Group in its report (A/38/273). The Group should be given time to continue its comprehensive view of the problem in all its aspects. Appropriate measures should be taken to ensure that all the experts, especially those from the least developed countries, would be present at its future sessions.

40. The Philippine delegation hoped that the Group would submit a substantive report at the next regular session of the General Assembly, so that the progress of its work could be assessed.

41. Mr. AVODE (Benin) said that the modern world was beset by various complex issues connected with the economic crisis, disarmament and the self-determination of peoples, but that it was difficult to find solutions to the problems created and kept alive by international imperialism.

42. Benin continued to reaffirm that, because of its extent and urgency, the problem of refugees, an essential aspect of human rights, remained an international issue with serious humanitarian, political and economic implications. That was why it had been in favour of the establishment of a Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, with the mandate of undertaking a comprehensive review on the problem in all its aspects, with a view to developing recommendations on appropriate means of international co-operation in that field.

43. His delegation congratulated the Secretary-General and the Group of Governmental Experts on the quality of their work, which made it easier to understand the connection between the problem of refugees, on the one hand, and the economic crisis and mounting international tension, on the other. The programme of work agreed upon by the Group gave reason to hope that, despite the complexity of its task, it would be able to carry out its mandate and draw up a set of guidelines to govern the conduct of States with a view to averting new flows of refugees.

44. His delegation strongly recommended that, in its review, the Group of Experts should take into account non-intervention in the internal affairs of States, respect for the equality of States, respect for the independence, dignity and sovereignty of States, the peaceful settlement of disputes and the principles of

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(Mr. Avode, Benin)

peaceful coexistence and non-recourse to force, which Benin, a transit country firmly attached to the policy of good-neighbourliness, called upon all States to put into practice.

45. His delegation, recognizing that the time allotted to the Group of Experts to do its work was too short, was in favour of renewing its mandate in order to enable it to pursue its comprehensive review of the problem in all its aspects. It was also prepared to associate itself with all initiatives, bilateral or multinational, likely to strengthen international co-operation for averting more flows of refugees.

46. Mr. GIAMBRUNO (Uruguay) said that his delegation had studied the report of the Group of Governmental Experts (A/38/273) and noted that it was difficult for all the experts to attend the sessions of the Group. Nevertheless, the Group's discussions had enabled it to define the general outline of its programme of work, even though it had not had time to proceed to a comprehensive review of the matter with a view to submitting recommendations on appropriate means of international co-operation in that field. Consequently, his delegation supported the renewal of the mandate and hoped that the Group would submit a comprehensive, detailed report at the next session.

47. The increasing politicization of the agenda item must not be allowed to impair its social and humanitarian character, and he hoped that, when formulating its recommendations, the Group would take due account of the principle of non-intervention in the internal affairs of States.

AGENDA ITEM 32: POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

48. The CHAIRMAN said that the members of the Committee would remember that, at its second meeting on 3 October 1983, the Committee had decided to devote two meetings on 4 and 8 or 9 November to hearings related to the policy of apartheid of the Government of South Africa and to adopt the following procedure in that connection: organizations or individuals wishing to be heard by the Committee should submit their requests in writing to the Chairman of the Committee no later than Friday, 28 October. Requests for hearings would be circulated as Committee documents and considered by the Committee at a meeting prior to the hearings; one such request had already been distributed as document A/SPC/38/L.4.

The meeting rose at 12.20 p.m.