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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Thirty-fourth session

SUMMARY RECORD OF THE 365th MEETING

Held at the Palais des Nations, Geneva, on
Wednesday, 19 October 1983, at 10.30 a.m.

Chairman: Mr. EWERLOF (Sweden)

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Adoption of the draft report of the thirty-fourth session

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The meeting was called to order at 10.45 a.m.

ADOPTION OF THE DRAFT REPORT OF THE THIRTY-FOURTH SESSION (agenda item 14)
(HCR/EC/XXXIV/CRP.1 to 11)

1. The CHAIRMAN said that some observers had requested that the text of the draft report should be made available to them before its consideration. That practice had not been followed in the past, but it should be in future because it was quite normal that observers should have time to study the passages relating to the statements they had made. The Bureau would look into that matter to ensure that no such problem arose in future.
2. Mr. KONATE (Observer for Senegal) said he hoped that the Executive Committee would take a decision on the matter to which the Chairman had just referred. He wondered whether the Committee's rules of procedure allowed discrimination against observers in the distribution of documents. Observer delegations had come from distant countries and were keenly interested in some aspects of the problems dealt with by the Committee. His own country's delegation had wished to follow the problem which concerned its Government and had been disappointed at not receiving the draft report, whose distribution was apparently restricted. That practice seemed to be peculiar to UNHCR. It should be changed in order to allow observers to participate.
3. The CHAIRMAN assured the representative of Senegal that, in future, arrangements would be made to ensure that observers received the draft report in time so that they could participate in the discussion of matters of concern to them.
4. Mr. KONATE (Observer for Senegal) said that observers could not participate in the discussions without the relevant documentation: that question should therefore be settled at once.
5. Mr. MATIKO (United Republic of Tanzania) said it was also his view that observers could not participate in the discussions unless they had the necessary documentation. The representative of Senegal had asked whether there were any rules that prevented the documentation from being distributed. That problem was of particular concern to the representatives of national liberation movements, who must be able to see what had been said in the Executive Committee, even if they were not entitled to participate in its decisions. The Chairman should take a decision on the matter.
6. The CHAIRMAN said that the secretariat would immediately make copies of the draft report available to observers. He was sure that the members of the Executive Committee would have no objection.
7. Mr. KONATE (Observer for Senegal) said that, although he was partly satisfied by the Chairman's statement, he would like some further explanations, namely, as to whether or not there existed a practice or text which prevented documents from being distributed to observers and, if so, whether it would be necessary to amend a text of the Executive Committee in order to take a decision such as the one referred to by the Chairman.
8. The CHAIRMAN replied that no such rule existed. Until now, the draft report had been distributed only to members of the Committee simply because of a tradition based on the idea that the report was the Committee's responsibility. Observers would henceforth receive the draft report so that they would be able to comment on the passages relating to their statements.

9. Mr. KONATE (Observer for Senegal) said that, in general, the Executive Committee should clearly define the status of observers, the status of the documentation which the Committee had before it and the nature of its plenary meetings.

10. The CHAIRMAN requested the secretariat to prepare a reply to the questions just raised; the Committee would resume its discussion of those points during its further consideration of the draft report.

11. Mrs. FELIER (Australia), Rapporteur, said that the first sentence of paragraph 8 of section VI on UNHCR's role in promoting durable solutions (HCR/EC/XXXIV/CRP.3) had been amended to read: "It was proposed by one delegate that there be established within UNHCR a separate division or unit entrusted with the co-ordination of the pursuit and promotion of durable solutions". In paragraph 7 of section VII on UNHCR assistance activities (HCR/EC/XXXIV/CRP.4), the beginning of the sixth sentence had been amended to read: "The representative of Morocco referred to previous decisions of the Executive Committee calling for the promotion of durable solutions ..."; minor drafting changes had been made in the French text of the ninth sentence; in the last sentence, the words "with the Algerian authorities" had been added after the word "discuss". Two further paragraphs would be inserted to reflect the statements made during the debate on the resettlement of refugees by the Director of Assistance and one delegation.

12. The CHAIRMAN invited the members of the Executive Committee to adopt the Committee's draft report section by section and paragraph by paragraph.

Section I - Introduction (HCR/EC/XXXIV/CRP.1)

Paragraph 1

13. Paragraph 1 was adopted.

Paragraph 2

14. Mr. KHARMA (Lebanon), noting that paragraph 2 related to a statement made by his delegation, proposed that the third sentence should be amended to read: "There was also a need to look at the relationship between job classification and job descriptions undertaken by the Office in the light of the report by the Administrative Management Service and the consensus paper and at the job classification and post-by-post analysis undertaken by the administrative and financial services of the Secretary-General in accordance with the recommendations of ACABQ, as well as a need to undertake such an analysis for the apportionment of costs process. Both procedures should ultimately be in line. On the apportionment of administrative costs between the regular budget and voluntary funds, it was important for the Executive Committee members to maintain their supportive position in the Committee and in the General Assembly, in compliance with article 10 of the Statute and according to previous decisions of the Executive Committee".

15. Paragraph 2, as amended, was adopted.

Paragraphs 3 to 8

16. Mr. PICTET (Switzerland) said that reference should be made to the participation of non-governmental organizations and the Red Cross.

17. Mrs. FELLER (Australia), Rapporteur, assured the Swiss representative that such a reference would be included.

Paragraphs 9 to 15

18. Paragraphs 9 to 15 were adopted.

19. Section I, as a whole, as amended, was adopted.

Section II - General debate (HCR/EC/XXXIV/CRP.2/Rev.1)

Paragraphs 1 to 12

20. Paragraphs 1 to 12 were adopted.

Paragraph 13

21. Mr. LUNA (Colombia) suggested that, in the fifth line, the words "immigration controls" should be replaced by the words "immigration laws" and that the words "the possible negative impact of this on" in the tenth and eleventh lines should be replaced by the words "the problem this creates for".

22. Paragraph 13, as amended, was adopted.

Paragraphs 14 to 18

23. Paragraphs 14 to 18 were adopted.

Paragraph 19

24. Mr. BECK (United States of America) suggested that, in the ninth line, the words "particularly UNDP and" should be added after the word "system".

25. Mr. TRAUTTMANSDORFF (Austria) proposed that the following new sentence should be added at the end of the paragraph: "The importance of special programmes in the grey area between refugee aid and development assistance was also stressed".

26. Mr. HELDRING (Netherlands) requested that the words "by one speaker" should be added at the end of the sentence proposed by the representative of Austria.

27. Mr. CURCIO (Italy) suggested that, in the seventh line, the words "from the outset" should be added after the word "co-ordinated". In the ninth line, the word "also" should be deleted, as it was obvious that those programmes benefited refugees.

28. Mr. PICTET (Switzerland) said it was obvious that the sentence in question referred to refugee programmes. To make its meaning clearer, the words "programmes also benefiting refugees" should be replaced by the words "programmes also benefiting local populations".

29. Mrs. FELLER (Australia), Rapporteur, suggested that the amendment proposed by the representative of Switzerland should be retained.

30. Paragraph 19, as amended, was adopted.

Paragraphs 20 to 25

31. Paragraphs 20 to 25 were adopted.

Paragraph 26

32. Mr. TRAUTTMANSDOREF (Austria) suggested that, in the third sentence, the word "condemn" should be replaced by the words "help to prevent".

33. Mr. MATIKO (United Republic of Tanzania) suggested that the word "condemn" should be retained and followed by the words "and help to prevent".

34. Paragraph 26, as amended by the representatives of Austria and the United Republic of Tanzania, was adopted.

Paragraph 27

35. Mr. MATIKO (United Republic of Tanzania) proposed that, in the third line, the words "military and/or armed" should be added before the word "attacks".

36. Mrs. KSENTINI (Algeria) said that, in her view, it would be better to amend the first sentence by placing a full-stop after the words "refugee camps and settlements" and adding a new sentence, which would read: "They reaffirmed that military and armed attacks on refugee settlements were unjustified under any circumstances and should be prohibited and condemned unreservedly".

37. Mr. HELDRING (Netherlands) suggested that the words "and emphasized that UNHCR should have access to such camps" should be added at the end of the third sentence.

38. Paragraph 27, as amended, was adopted.

Paragraph 28

39. Mr. ZAHIRNIA (Iran) requested that, in order to reflect one aspect of the debate, the following sentence should be added after the first sentence: "Many speakers expressed support for the draft principles on the prohibition of military attacks".

40. Mrs. FELLER (Australia), Rapporteur, suggested that the amendment proposed by the representative of Iran might be worded in the following way: "Many delegations expressed support for the draft principles which had been the basis for the consideration of the question by the Sub-Committee of the Whole on International Protection".

41. Mr. TRAUTTMANSDORFF (Austria) proposed that the words "and take adequately into account the terms of reference of the Executive Committee" should be added at the end of the last sentence.

42. Paragraph 28, as amended, was adopted.

Paragraphs 29 to 36

43. Mr. BECK (United States of America) proposed that the following new paragraph should be added in the appropriate place in that part of the draft report:
"One delegation stressed the great importance of mutually reinforcing the relationship between protection and assistance. That delegation supported the work to date of the UNHCR Emergency Unit and called on UNHCR to be prepared to act immediately in emergency situations to provide the international community promptly with professional and accurate assessments of the scope of problems and the extent of the assistance required. That delegation also suggested that UNHCR regularize its initial emergency response structure and establish prior guidelines on how the structure relates to other UNHCR offices at headquarters and in the field. UNHCR's action to create a Specialist Support Unit in the Assistance Division was strongly commended and the hope was expressed that the expertise available in that Unit would be applied to all aspects of UNHCR's work in responding to emergencies".

44. Mrs. FELLER (Australia), Rapporteur, suggested that the proposed new paragraph should be inserted between paragraphs 31 and 32.

45. Paragraphs 29 to 36, as well as the new paragraph proposed by the United States delegation, were adopted.

Paragraph 37

46. Mr. BAKWESEGHA (Observer for the Organization of African Unity) recalled that, during the debate, he had drawn a distinction between African countries which received a large number of refugees and others which received smaller numbers, but whose problems were compounded by military attacks. He had mentioned the case of Lesotho and hoped that it would be reflected in the report. To that end, he requested that the following sentence should be added after the first sentence of paragraph 37: "He also made reference to the complex refugee situation obtaining in Lesotho as a result of the massacre of innocent people by South Africa on 19 December 1982".

47. Mr. PHAMOTSE (Observer for Lesotho) said that he supported the amendment proposed by the observer for OAU.

48. Paragraph 37, as amended, was adopted.

Paragraph 38

49. Mr. MATIKO (United Republic of Tanzania) proposed that, in the third line, the words "of Namibia" should be added after the acronym "(SWAPO)" and that, in the sixth line, the words "by South Africa" should be added after the words "military attacks".

50. Mr. NAHOLO (Observer for the South West Africa People's Organization) supported that amendment.

51. Mr. MATIKO (United Republic of Tanzania) also proposed that the words "and of appeals to the High Commissioner for more humanitarian material assistance" should be added at the end of the first sentence.

52. Paragraph 38, as amended, was adopted.

Paragraphs 39 to 42

53. Paragraphs 39 to 42 were adopted.

54. Mr. PHONNA (Observer for Democratic Kampuchea) said that he would propose a new paragraph to be inserted between paragraphs 42 and 43.

Paragraph 43 (Draft decisions)

55. Mr. SADLEIR (Australia) suggested that, in subparagraph (e), a comma should be placed after the words "a large number of refugees", which should be followed by the words "expressed its appreciation to them for their valuable humanitarian responses and reaffirmed ...".

56. Paragraph 43, as amended, was adopted.

57. Section II of the draft report concerning the general debate (HCR/EC/XXXIV/CRP.2/Rev.1), as a whole, as amended, was adopted, subject to the insertion of a new paragraph, as requested by the observer for Kampuchea.

Section VI - UNHCR's role in promoting durable solutions (HCR/EC/XXXIV/CRP.3)

Paragraphs 1 to 4

58. Paragraphs 1 to 4 were adopted.

Paragraph 5

59. Mr. HELDRING (Netherlands) said that, in the sixth line, it would be better to use the words "a fund ..." rather than the words "The Fund for Durable Solutions" because he did not think that such a fund had yet been established.

60. Mrs. FELLER (Australia), Rapporteur, said that UNHCR had already established a fund for durable solutions, to which some Governments, including her own, had contributed. The use of the definite article was therefore justified, whatever the future of that fund might be.

61. Paragraph 5 was adopted.

Paragraph 6

62. Mr. TAFFAR (Algeria) suggested that the first sentence should specify that voluntary repatriation, "where possible," was generally the most effective and the preferable durable solution and that the following new sentence should be added after the third sentence: "It was pointed out, however, that, pending a durable solution, it was UNHCR's duty to continue its assistance to refugees, especially by promoting self-sufficiency". The next sentence should begin with the words "Several delegates ..." instead of the words "One delegate".

63. In view of the objections expressed by Mr. KHARMA (Lebanon) and Mr. CHRAIBI (Morocco), Mr. TAFFAR (Algeria), supported by Mr. MATIKO (United Republic of Tanzania), agreed that his amendment should be changed to read: "It was nevertheless pointed out by two speakers that, pending a durable solution, it was UNHCR's duty to continue to provide appropriate assistance to refugees".

64. Paragraph 6, as amended by the representative of Algeria, was adopted.

65. The CHAIRMAN referring to the discussion concerning the distribution of documentation to observers, said that the secretariat had been able to produce more copies of the draft report and had just distributed them to all observers.

Paragraph 7

66. Mr. TAFFAR (Algeria) suggested that the following new second sentence should be added: "One delegation stressed that, in refugee situations due to colonial or foreign occupation, the voluntary repatriation of refugees was linked to an over-all political solution".

67. Mr. SATO (Japan) pointed out that, since his delegation had made the statements reflected in the last two sentences of paragraph 7, the last sentence should begin with the words "The same delegate ...".

68. Paragraph 7, as amended, was adopted.

Paragraph 8

69. Mrs. FELLER (Australia), Rapporteur, referring to the amendments to paragraph 8 which she had read out at the beginning of the meeting, said the delegation of Morocco had requested that, in the first sentence, the words "division or" should be inserted between the word "separate" and the word "unit". That delegation had also requested that the words "and promotion" should be added after the word "pursuit" in the same sentence.

70. Mr. MATIKO (United Republic of Tanzania) said that he could not agree to the establishment of a separate division for durable solutions.

71. After Mr. CHRAIBI (Morocco) had agreed to the deletion of the words "division or", the CHAIRMAN suggested that only the words "and promotion" should be added to the first sentence.

72. Paragraph 8, as amended, was adopted.

Paragraph 9

73. Paragraph 9 was adopted.

Paragraph 10

74. Mr. SADLEIR (Australia) proposed the addition of the following new subparagraph (a): "noted with concern the decline during the previous decade of the percentage of the High Commissioner's programmes geared towards durable solutions"; the present subparagraphs would be renumbered accordingly.

Subparagraphs (a) to (c)

75. Mr. LAOHAPHAN (Thailand) requested that, in subparagraph (c), the words "to the voluntary repatriation or integration" should be replaced by the words "to the voluntary repatriation, integration or resettlement".

76. Subparagraph (c), as amended, was adopted.

Subparagraph (d)

77. Subparagraph (d) was adopted.

Subparagraph (e)

78. Mr. HAMRA (Sudan) said that, like paragraph 8, subparagraph (e) should refer to the pursuit and promotion of durable solutions and to the establishment of a separate unit for that purpose.

79. The CHAIRMAN said the Committee would complete its consideration of section VI of the draft report at the next meeting.

The meeting rose at 1.15 p.m.