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SUMMARY RECORD OF THE 45th MEETING

Chairman: Mrs. MAIR (Jamaica)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 87: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

- (a) REPORT OF THE HIGH COMMISSIONER (A/32/12 and Add.1)
- (b) QUESTION OF THE CONTINUATION OF THE OFFICE OF THE HIGH COMMISSIONER (A/32/3, chap. III, sect. L)

1. Prince Sadruddin AGA KHAN (United Nations High Commissioner for Refugees) said that in a way he represented a nation of the nationless, whose numbers were constantly growing. It was paradoxical that at the present time, when international treaties on the law of the sea and outer space were being formulated, there existed people for whom there was no refuge on land or sea and who did not know where to go. The purely humanitarian activities of the Office of the United Nations High Commissioner for Refugees were determined by the consequences of struggles and political conflicts throughout the world.

2. The year 1977 had witnessed an unprecedented increase in the number of refugees from South Africa where the system of apartheid, based on the distortion of political values and hostility to the people, was being perpetuated; the exodus from Namibia and Zimbabwe was continuing. All States must act in concert to assist the host countries and the refugees of that region. UNHCR had been closely associated with the missions sent by the United Nations pursuant to General Assembly resolution 31/126 and the resolutions of the Economic and Social Council and the Security Council concerning assistance to Botswana and Mozambique. In that connexion he was happy to state that in reply to his appeal the international community had already provided \$11 million of the \$16 million requested for the Emergency Assistance to South African Student Refugees programme. That programme had been undertaken in close co-operation with the United Nations Educational and Training Programme for Southern Africa. However, the flood of refugees continued and they would still need assistance in 1978. In addition, having been made Co-ordinator of the United Nations Programme of Humanitarian Assistance to Angola in 1976, he had requested contributions with a view to obtaining 48,000 tons of food and \$32.5 million in cash. By mid-1977 more than three fourths of that sum and 38,000 tons of food had been received or pledged.

3. New problems were constantly being added to those which already existed. For example, 200,000 refugees had recently arrived in Angola. It was also necessary to find durable solutions for the problem of refugees and displaced persons from Djibouti, from Cyprus - where the volume of assistance provided in three years totalled \$83 million - and Western Sahara.

4. In accordance with General Assembly resolution 3455 (III), UNHCR was continuing its efforts to alleviate the hardships of displaced Indo-Chinese - including the

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(Prince Sadruddin Aga Khan)

implementation of projects totalling \$5 million in the Socialist Republic of Viet Nam and the Lao People's Democratic Republic, with the full co-operation of the Governments of those countries. In that connexion, he welcomed the adoption by the General Assembly of resolution 32/3 calling for reconstruction aid to Viet Nam. It should not be forgotten that there was a close relationship between UNHCR's assistance programmes and its protection functions. On behalf of the persons who were taking to sea in small boats he had made an appeal, together with the Secretary-General of the International Maritime Consultative Organization, to ship-owners to observe the traditional rules of rescue of persons in distress on the high seas and had again urged countries to let those refugees disembark at their ports and to offer them opportunities for settlement locally or for resettlement elsewhere. In addition, UNHCR was deeply concerned at the fate of the refugees who had arrived in Thailand. It was urgent to find a lasting solution to their problems and to provide them with material and moral assistance. He therefore urged all Governments to support UNHCR's programmes in Thailand and adjoining areas, where financial requirements in 1978 would be at least as great as in 1977.

5. In Latin America the situation of refugees remained precarious. UNHCR had relocated 8,000 refugees from Chile and 9,600 refugees from Argentina and Peru but more than 5,000 persons had still to be resettled outside Latin America. However, regional solutions were preferable. It was therefore to be hoped that with the continuation of resettlement in 1978 the situation would improve sufficiently to facilitate the local integration of those who remained.

6. In all its activities, UNHCR was motivated by its dedication to the principle of the dignity and worth of the human person, which in its case meant the refugee. In the protection of refugees, which frequently amounted to the protection of life itself, half-measures were worthless. In that connexion he said that the Executive Committee of the High Commissioner's Programme at its twenty-eighth session had recommended that further accessions to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees should be promoted, as should the withdrawal of the geographical limitation still maintained by certain States in respect of their obligations under those instruments; had expressed the hope that the States parties to those instruments would establish procedures for the determination of refugee status and give favourable consideration to UNHCR participation in those procedures; and, lastly, had recommended that the statute of the Office of the High Commissioner should serve as a basis for the protection function of the High Commissioner in respect of States which had not yet acceded to the 1951 Convention or the 1967 Protocol. The essential need was to ensure that the fundamental human rights of refugees should be respected, for violations were distressingly frequent.

7. The Conference of Plenipotentiaries on Territorial Asylum, convened from 10 January to 4 February 1977 in accordance with General Assembly resolution 3456 (XXX), unfortunately had not been able to carry out its mandate within the allocated time and had recommended that the General Assembly at its thirty-second

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(Original in Arabic)

should consider the question of convening at an appropriate time a third session of the Conference. Consultations on that matter were continuing.

8. He thanked the members of the Committee and the many non-governmental organizations and voluntary agencies for their steadfast support of UNHCR's work and for having recognized that the work of the Office was purely humanitarian. But their recognition of that fact should be matched by material assistance. Because of the increasing number of persons throughout the world who would need assistance, UNHCR would need \$72.7 million in 1978 to carry out its regular activities and special operations. He accordingly urged all Governments and particularly those that had not so far participated substantially in the financing of those activities to be generous at the Pledging Conference which was scheduled to take place on 18 November.

9. Noting that he would be relinquishing his post at the end of the year, he expressed the hope that the Committee would continue to maintain its co-operation with UNHCR for the benefit of refugees and displaced persons and that the application of the United Nations Charter and the principles that it upheld would help someday to prevent further human tragedies.

10. Mr. MOTHOMB (Belgium) said that the annual report of the United Nations High Commissioner for Refugees brought both sadness and comfort: sadness at the steadily increasing plight of the refugees, and comfort at the admirable and generous way in which the High Commissioner and his colleagues were carrying out their tasks. The activities of UNHCR were an essential element of the protection of the rights of the human person. The Office of the High Commissioner protected persecuted persons and political refugees throughout the world while remaining neutral and objective and refraining from giving any political connotation to its humanitarian and social work. Belgium was in favour of continuing the Office of the High Commissioner for another five years, for its existence was more justified than ever before. He wished to join the sponsors of the draft resolution by which the General Assembly would decide to continue the Office, as also the draft resolution by which it would express its thanks to UNHCR for its work.

11. Belgium had always been associated with that work: it participated actively in the work of the Executive Committee of the High Commissioner's Programme and that of the Sub-Committee of the Whole on International Protection, but in 1965 years earlier on its proposal, a body which had been already created in 1951 in that it gave to Delegations concerned an opportunity to study in depth questions relating to the status of refugees and the interpretation of the relevant international instruments. The question of the expulsion of refugee delinquents, which was the subject of one of the conclusions adopted during the current year by the Executive Committee of the High Commissioner's Programme, should be discussed in the Sub-Committee of the Whole. UNHCR should bring a draft text on that subject providing, inter alia, that when a refugee delinquent could not be expelled, because, for example, no other country was prepared to receive him, he could not be treated by the State in which he resided as a national of that State.

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12. Belgium also supported the activities of UNHCR by maintaining its traditional policy as a country of asylum. More than 30,000 refugees were currently settled in its territory, and in 1977 it had received and implemented resettlement programmes for new refugees from Latin America and South-East Asia.

13. His Government contributed approximately \$275,000 each year to the programme of UNHCR, and in 1977 it had contributed approximately 30 million Belgian francs for special operations. In addition, it paid 1 million Belgian francs every year as its share of the cost of UNHCR's offices in Belgium and was planning to double that contribution as soon as circumstances permitted.

14. The January 1977 session of the Conference on Territorial Asylum had not achieved any conclusive results; any future session would have to be better prepared, and more vigorous preliminary contacts would have to be made with Governments that were truly concerned with finding a humanitarian solution to the problem. His delegation would endorse the consensus which would inevitably emerge with respect to any resolution on the problem of refugee students from South Africa.

15. Mr. KASEISRI (Thailand) said that his country deeply appreciated the devotion and effectiveness with which the United Nations High Commissioner for Refugees and his staff carried out their work on behalf of the deprived of the world and the contribution they had made to international peace and harmony. By reason of geographical and other circumstances and its fidelity to a humanitarian tradition based on Buddhist precepts, Thailand had always been a land of refuge. Having recently had to face the complex problems brought about by sudden and large influxes of refugees from neighbouring countries, and moved by purely humanitarian considerations, Thailand had requested and received humanitarian assistance from UNHCR. Co-operation between his Government and UNHCR had begun in 1975. The new Agreement concluded on 22 July 1977, on the basis of the latest appeal in which the High Commissioner had set a target of \$12.3 million towards the programme in Thailand, upheld the sovereign rights of his nation and recognized the duties of the High Commissioner in accordance with his statute on behalf of persons within his competence, while fully taking into account the difficult circumstances arising from the situation. Moreover, internationally recognized humanitarian principles were accorded due importance, thus indicating Thailand's continuing concern for the human rights of refugees and displaced persons and its willingness to co-operate with the world community in protecting such rights. Indeed, under the new Agreement, his Government would be responsible for the support and material assistance of persons who qualified under eligibility procedures to be established in the near future.

16. The number of Indo-Chinese displaced persons in Thailand up to 31 December 1976 had been 93,526, including 1,644 so-called "boat cases". That figure did not include 46,703 displaced persons who had been sent to temporary centres for subsequent resettlement in third countries, nor the 50,000 refugees who had come to Thailand during the French Indo-China war. In recent months, between 100 and 1,000 arrivals had been recorded every month, with the result that the reception centres for displaced persons were overcrowded. It could only be hoped that the

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(Mr. Kasensri, Thailand)

flow could be reduced and eventually cease. Thailand had granted temporary asylum to a larger number of "boat cases" from Viet Nam than other countries, and several hundred not included in the 1,644 persons mentioned had already been resettled in third countries. In an effort to find a regional approach to that problem and to the problem of Indo-Chinese displaced persons in general, the Heads of Government of the members of the Association of South-East Asian Nations, meeting at Kuala Lumpur in August 1977, had stated their humanitarian concern in a joint communiqué and had urged UNHCR and other relevant agencies to assist in the resettlement of the persons involved.

17. In his statement in the general debate of the General Assembly, Thailand's Minister for Foreign Affairs had expressed the hope that other United Nations specialized agencies and bodies concerned would be urged by the General Assembly to render their fullest support to the High Commissioner in solving the international humanitarian problem of displaced persons and that countries in a position to do so would translate their concern for humanitarian affairs into concrete action by further increasing their support for the assistance programme in Thailand, particularly by agreeing to receive large numbers of displaced persons. In that connexion, it was worthy of note that at its twenty-eighth session, the Executive Committee of the High Commissioner's Programme had stressed the need for continued humanitarian assistance, particularly in the area of resettlement, and had urged the international community to co-operate fully with the High Commissioner by extending such assistance.

18. The influx of displaced persons only aggravated the problems of Thailand, a small developing country which already had a large population and one of the highest population growth rates in the world. The financial and administrative burdens on the country were enormous and had been only partly alleviated by international assistance. Resettlement of the displaced persons in third countries provided only a partial solution, as only the best qualified or most skilled among them would have resettlement opportunities. It was therefore to be hoped that international efforts would continue relentlessly to find more durable solutions, including voluntary repatriation in accordance with internationally recognized humanitarian principles. Thailand was genuinely endeavouring to promote such principles in spite of all its difficulties, but a small country should not be expected to carry alone the burden of a problem that was essentially international.

19. Mr. MUNKEL (Federal Republic of Germany) said that the political and military events of 1976 and 1977 had brought about a new flow of refugees which made UNHCR's work more necessary than ever. Stressing the essentially humanitarian nature of that work, he said his delegation was happy that the High Commissioner and his staff championed, above all, the strict observance of the human rights of refugees. The Federal Republic of Germany, which attached particular importance to the universal realization of human rights, was actively co-operating in all competent United Nations bodies in the pursuit of that goal.

20. Direct assistance to refugees continued to be one of the most important humanitarian concerns of the international community. Not only compassion and a sense of responsibility, but also reason and logic argued for the continuation and,

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(Mr. Merkel, Federal Republic
of Germany)

if possible, intensification of such assistance. It was to be hoped, therefore, that more and more countries would make a contribution to that assistance. His Government had supported the Office of the United Nations High Commissioner for Refugees ever since its creation.

21. In addition to having been one of the first countries to ratify the 1951 Convention relating to the Status of Refugees and to accede to the supplementary Protocol of 1967, his Government had ratified the principal international instruments concerning refugees, namely, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Protocol relating to Refugee Seamen. The Federal Government continued to favour the adoption of a convention on territorial asylum and had taken an active part in the Conference of Plenipotentiaries on Territorial Asylum held in January and February. It supported the High Commissioner's appeal for as many States as possible to ratify the international legal instruments relating to refugees. The right of asylum was a fundamental right under article 16 of the Basic Law of the Federal Republic of Germany. Special institutions had been set up to deal with applications for asylum, the number of which was steadily increasing.

22. In 1977, the Federal Republic of Germany had already made available or pledged the following amounts to HCR: \$332,000 for the construction of five primary schools at Katumba, Tanzania; \$500,000 for the improvement of basic health services in Viet Nam; about \$900,000 as a voluntary contribution to the annual programme; \$43,000 for the UNHCR special operation for "boat cases"; \$220,000 to assist refugees in Thailand; and \$220,000 for refugees from Southern Rhodesia in Mozambique. In addition, the Federal Republic of Germany had provided help in kind (clothing, blankets, food and medicaments) worth over \$220,000 for refugees from southern Africa. At the forthcoming Pledging Conference, it would announce its intention of increasing by 25 per cent its 1978 voluntary contribution to the regular assistance programme, and it was also considering the possibility of making additional funds available to UNHCR.

23. The Federal Republic of Germany had already accepted some 2,400 refugees from Chile and about 1,000 refugees from Indo-China; it would accept about 200 more, including 50 "boat cases", from that area. It had also agreed to accept another 100 Chilean refugees from Argentina. The Federal Government, convinced of the importance of the humanitarian work undertaken by the Office of the High Commissioner, would continue actively to support its activities and would join the sponsors of the draft resolutions on the continuation of the Office and on the High Commissioner's report.

24. Mrs. EISTRUP (Jamaica) said that UNHCR's activities were among the most significant humanitarian services undertaken by the United Nations and expressed her appreciation of the way in which the High Commissioner had discharged the additional responsibilities entrusted to him by the General Assembly at its thirty-first session. As the numbers of refugees and displaced persons continued to increase, in particular as a result of the racist policies of Governments in

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(Mr. Patrino, Jamaica)

southern Africa, it was becoming more and more difficult and complex to ensure the safety and protection and the resettlement of refugees.

25. The Committee could not but share the great concern expressed by the High Commissioner concerning the numerous and serious infringements of the specific rights of refugees and more generally of their basic human rights; they reported on violations of international legal instruments and inflicted additional suffering on persons who were already among the most vulnerable. She had noted with appreciation that UNHCR had intervened in cases of breaches of the principles of asylum and non-refoulement, which constituted the minimal conditions necessary for survival, and she hoped that the United Nations Conference on Territorial Asylum would continue its efforts to draft a convention on territorial asylum.

26. In Latin America, the problems of refugees continued to receive the vigilant attention of UNHCR and a second regional office responsible for north-western Latin America had been established in Peru. However, the main focus of UNHCR's work had been in Asia and Africa, where the consequences of colonial exploitation, racist oppression and imperialist wars had set adrift the largest numbers of homeless and stateless people. It was regrettable that the effect of voluntary repatriation of displaced persons to newly independent States, such as Mozambique, had been offset by a new influx of refugees from Zimbabwe and South Africa, so that the overall number continued to increase. The enormous problems entailed (counselling, education and training, and local integration) could be solved only by the involvement and support of all Member States and the whole United Nations system.

27. Jamaica noted with satisfaction the co-ordinating interagency functions of UNHCR with regard to consultations, planning and pooling of resources. It also welcomed the vital role played by intergovernmental organisations and African liberation movements - with which UNHCR was strengthening its contacts - and the participation of non-governmental organizations.

28. UNHCR's humanitarian activities proved once again that the United Nations had the capacity to live up to its highest ideals. On the other hand, such activities were necessary because those ideals were far from being achieved. So long as the problem of refugees appeared on the agenda of the General Assembly, there would be serious concern about the continuation of the conflicts and violations of human rights which might threaten its existence.

29. Mr. Patrino wished to pay tribute to Prince John Agyeman, who had helped to bring the international community's attention to the refugee problem and had set an example of complete devotion to the cause of displaced persons. The General Assembly would be the continuation of his efforts and his spirit would continue to guide them, providing it desired to do so.

30. Mr. YORICO (Romania) said that the report of the United Nations High Commissioner for Refugees (4/32/12 and Add.2) brought out the tremendous task to which UNHCR had limited itself in the face of an ever-increasing number of situations whose complexity was matched only by their urgency and delicacy. A radical change was

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required if UNHCR was to be enabled to discharge its new responsibilities. Military and political conflicts which were at the root of the refugee problem were themselves the result of imbalances in the world, and the root causes of all those evils were economic under-development, exploitation and racial discrimination. UNHCR's activities should be regarded as an integral part of the endeavors of the international community to base relations between nations and peoples on respect for the fundamental principles of international law. He lauded the commendable efforts made by the High Commissioner and his staff to make their activities and the participation of States therein truly universal. Romania had long shared that concern and would continue to do its best to help achieve that important aim. UNHCR's humanitarian activity concerned not only a group of countries but mankind as a whole. Nevertheless, if a broader participation of States in those activities was to be achieved, at least two conditions must be met. First, certain questions could not be settled without taking into account the specific conditions of the area in which UNHCR was called upon to act. Second, every effort should be made to ensure that UNHCR's activities were not diverted from their purely humanitarian purpose.

31. Romania's co-operation with UNHCR had started four years earlier, when the High Commissioner had appealed to the Romanian authorities to accept a large number of Chilean refugees. Since that time, a total of 1,100 refugees had settled in Romania for long-term integration. In addition to providing for all their material needs, the municipality of Bucharest offered them opportunities for employment, education and vocational training. The subsidies paid to the refugees for a period of one year were equivalent to the budget of an enterprise with 1,400 employees. Although that assistance did not appear as an item in the budget of UNHCR, it should be viewed as an important voluntary contribution to the Office, and in that connexion, his delegation noted with satisfaction that the High Commissioner had agreed to submit to the Executive Committee for approval a programme to provide medical equipment to a polyclinic in Bucharest which would mainly benefit the refugees. Romania had also made contributions in kind to programmes for refugees from Indo-China and Kampuchea and to the assistance programme jointly undertaken by the Office of the High Commissioner and the Socialist Republic of Viet Nam.

32. In conclusion, he said that his delegation would support the adoption of draft resolution on the High Commissioner's report. At the same time, he did assure the High Commissioner once again that his delegation was willing to expand its relations with his Office, the activities of which served an important and noble cause.

AGENDA ITEM 77: CRIME PREVENTION AND CONTROL (continued) (A/52/3, chap. II, sect. 6, A/52/163, 199; E/CN.2/536; A/C.3/52/5 and Corr.1; A/C.3/52/L.13, L.14, L.20, L.21, L.22, L.24)

33. The CHAIRMAN drew the attention of Committee members to 4/13/54 1.1, had been issued after consultations between the delegations concerned with the resolutions A and B contained in Document 4/13/54. The Conference Delegates intended to facilitate the Committee's consideration of the proposals related to it.

The sailing rose at 12.20 n.m.