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THIRD COMMITTEE

50th meeting

held on

Monday, 15 November 1976

at 3 p.m.

New York

SUMMARY RECORD OF THE 50th MEETING

Chairman: Miss FAROUK (Tunisia)

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A/C.3/31/SR.50

17 November 1976

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 78: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: REPORT OF THE HIGH COMMISSIONER (A/31/12 and Add.1-2; A/C.3/31/9; A/C.3/31/L.30, L.31) (continued)

1. The CHAIRMAN announced that Yemen and Zambia had joined the sponsors of draft resolution A/C.3/31/L.30.

2. Mr. BREITENSTEIN (Finland) said that the report of the High Commissioner (A/31/12 and Add.1-2) was well prepared and the High Commissioner was to be congratulated on the efficient manner in which his Office had continued to carry out its work. As the High Commissioner pointed out in the opening sentence of his report, the period it covered had been characterized by a considerable increase in the work of his Office. Tragic events in many parts of the world had led to new demands for assistance to alleviate human suffering, and that in turn implied a growing need for continuous and increased financial support from Member States. Furthermore, those events also created a need for a growing adherence to the international instruments in that field.

3. Speaking on behalf of the sponsors, which had been joined by Ireland and Swaziland, he introduced draft resolution A/C.3/31/L.30. The draft closely followed the lines of General Assembly resolution 3271 (XXIX) on the same subject. It was aimed at confirming the function already carried out by the High Commissioner's Office in a purely humanitarian context. Since both the scope and the scale of the need for assistance were increasing, it was more than ever essential that the High Commissioner should receive the support and encouragement of the Third Committee and of the international community in carrying out his functions. The draft did not introduce any new elements not contained in the resolutions adopted in previous years. It simply sought to support the over-all functions of the High Commissioner's Office and to emphasize those aspects of its work which were of particular relevance to its present activities.

4. He outlined the content of the different paragraphs of the draft resolution. With regard to paragraph 3, he said that it kept close to the corresponding paragraph of General Assembly resolution 3454 (XXX). In view of the increasing number of situations involving refugees and displaced persons, the reference to the promotion of permanent and speedy solutions was more pertinent than ever. In addition to the traditional activities mentioned in the Statute of the High Commissioner, assistance in the rehabilitation of returnees was being increasingly recognized to be essential. That was particularly relevant at the present time to the situation in Africa, especially in newly independent countries, where the Office of the High Commissioner was heavily involved in assistance activities. It was equally relevant to the need to promote voluntary repatriation, which must be considered the happiest of the solutions put forward by the High Commissioner's Office. Paragraph 4 reiterated the wish expressed by the General Assembly in resolution 3271 (XXIX) and again in resolution 3454 (XXX). In view of the situation prevailing in southern Africa and the responsibilities entrusted to the

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(Mr. Breitenstein, Finland)

High Commissioner in countries which had most recently emerged from colonial rule, such as Guinea-Bissau, Mozambique and Angola, that special reference to Africa was more than justified.

5. The sponsors of the draft resolution hoped that the Committee would adopt it unanimously, thus confirming its confidence in the Office of the High Commissioner and its resolve to promote permanent solutions to the problems of refugees and displaced persons. In so doing, the Committee would pay tribute to the dedicated services which the Office of the High Commissioner had rendered for a quarter of a century to refugees and displaced persons in all parts of the world. Furthermore, such a vote would help the High Commissioner to walk what he had called the fine line which was entirely humanitarian and non-political.

6. Miss BEAGLE (New Zealand) said that the breadth and depth of the High Commissioner's report bore testimony to the geographical spread and diversity of the refugee problem. In his statements before the Third Committee at the previous session, the High Commissioner had defined the refugee as "the product of our errors". The predicament of the rising number of persons in refugee situations throughout the world was an indictment of the conduct of peoples and States. In expressing appreciation of the manner in which the High Commissioner and his staff had carried out their task, the necessity for finding durable solutions to the basic problems must not be overlooked.

7. She noted that the Office of the High Commissioner had widened the range of its humanitarian activities beyond its traditional assistance to refugees. The High Commissioner had made it clear in chapter X of his report that he was aware of the need to focus public attention on the plight of hundreds of thousands of uprooted persons throughout the world. Her delegation applauded his intention to use his Office to help create respect for human life and assist in preserving it.

8. While the regular programme was the primary function of the High Commissioner's Office, her delegation was gratified to note the expansion of its protection function, which had involved dialogue with individual Governments. In fostering a deeper understanding of the need to avoid the emergence and perpetuation of refugee problems, the Office was carrying out an essential role. There was already a heightened awareness of the special needs of displaced persons, as was borne out by the fact that the Governments were increasingly drawing on the High Commissioner's Office for technical assistance in dealing with problems outside their experience. In that connexion, her delegation noted with pleasure a reference in the High Commissioner's report to the adoption by the New Zealand Government of a practice whereby no one seeking asylum might be extradited or deported without the High Commissioner's Office first being apprised of the fact. That practice enabled the Office to study the problem and seek a solution in consultation with the authorities concerned.

9. It was encouraging to see that the High Commissioner's Office was able to co-operate efficiently and effectively with many other organizations of the United Nations system and with intergovernmental and non-governmental organizations. In the course of his duties, the High Commissioner doubtless encountered a whole range of economic, social, political and human rights problems that were beyond the scope

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(Miss Beagle, New Zealand)

of his Office; he might serve an important role by highlighting those problems and co-operating with other bodies in seeking solutions to them.

10. The High Commissioner was to be congratulated on using his Office as an instrument of humanitarian policy and action without bowing to political pressures. It was essential that the activities of his Office should continue to be based on humanitarian and non-political factors.

11. New Zealand's approach to the problem of refugees had always been based on the considerations she had indicated. Her Government had been a regular contributor to the budget of the High Commissioner's Office and, despite severe economic difficulties, it was able to maintain its budget contribution at \$NZ 75,000 for 1976 and to contribute \$NZ 700,000 to the joint UNHCR-UNICEF Relief Programme in Indo-China. In response to appeals from the High Commissioner, New Zealand had accepted for permanent resettlement up to 60 refugee families from Chile and up to 50 families from Viet Nam, and it was happy to join in sponsoring draft resolution A/C.3/31/L.30.

12. Mr. JANKOWITSCH (Austria) said that his delegation had learnt with regret from the High Commissioner's report that the large-scale new movement of uprooted persons during the period under review had once again led to an increase in the work load of the High Commissioner's office. His delegation was particularly concerned about continuing violations of the principle of asylum and non-refoulement and about the abductions and killings of refugees mentioned in the report. His Government wished to join the High Commissioner in appealing for scrupulous observance of the basic rights of refugees as laid down in the relevant legal instruments. It also fully subscribed to the statements in the report regarding family unity and arrangements for family reunification.

13. The report mentioned the problems which arose in some cases when asylum countries not yet parties to the basic intergovernmental instruments providing for the protection of refugees were experiencing for the first time a substantial influx of refugees. Those problems highlighted anew the necessity of continued efforts towards the ratification of those instruments by the largest possible number of Member States, particularly the 1951 Convention relating to the Status of Refugees and the Protocol of 1967 thereto. His Government hoped that one further step towards the elaboration of rules for the protection of refugees would be made at the forthcoming conference on territorial asylum to be held early in 1977. His delegation had therefore been happy to learn that a solution had been found for the financing of the conference. Austria whole-heartedly supported the recommendation that interested non-governmental organizations should be invited to participate in the conference as observers, since many of those organizations had rendered valuable services.

14. He noted with satisfaction that, according to addendum 2 of the report, the High Commissioner's Office was prepared to continue to discharge the functions it had been carrying out under the relevant provisions of the Convention on the Reduction of Statelessness and General Assembly resolution 3274 (XXIX), without any financial implications for the United Nations.

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(Mr. Jankowitsch, Austria)

15. During the period under review, his Government had taken several steps for the benefit of refugees. The special eligibility procedures for the determination of refugee status had been amended by a Ministerial Decree of 4 June 1975 with a view to liberalizing the applicable criteria for determining refugee status. Austria would also make it a policy to ensure that all social security agreements would in future specifically cover refugees within the meaning of the 1967 Protocol, so that the benefits of a modern welfare State might also be enjoyed by refugees. During the period under review, his Government had withdrawn its reservations regarding article 17, paragraph 2 (a), of the 1951 Convention and had thus improved the position of refugees in Austria with regard to work permits.

16. Austria regarded it as a duty to support all the efforts of the High Commissioner to carry out his eminently humanitarian tasks. As an expression of international solidarity, Austria had accepted refugees from all over the world without distinction as to creed, colour or race. At the present time there were in Austria 313 refugees from Chile, nearly 200 from Indo-China and about 100 from the Middle East. An amount of 75 million Austrian schillings had been earmarked in 1976 for assisting refugees to integrate themselves into Austrian social and economic life. In June 1976, Austria had agreed to accept an additional 250 refugees from Latin America, who would settle permanently in Austria. Substantial additional funds would have to be made available for that group. In 1975-1976, Austria's contributions to special operations of the High Commissioner's Office had included 1.5 million Austrian schillings for Indo-China (in addition to 1 million schillings given to the International Committee of the Red Cross) and 500,000 schillings for Cape Verdean refugees from Angola. On behalf of his Government, he wished to express his country's appreciation of the work done by the High Commissioner and his staff. Austria would continue to assist the High Commissioner in the fulfilment of his task.

17. Introducing draft resolution A/C.3/31/L.31, he recalled that under General Assembly resolution 3274 (XXIX), the High Commissioner had been entrusted with the functions foreseen under article 11 of the Convention on the Reduction of Statelessness. It was clear from addendum 2 of the report that those functions could be carried out without financial assistance from the United Nations. The draft resolution merely provided for the continuation of those functions by the High Commissioner.

18. Mr. NGAOSYVATH (Lao People's Democratic Republic) said that he wished to thank the United Nations High Commissioner for Refugees and his Office for their inestimable services in the unending task of alleviating the plight of helpless victims of circumstances, a task which would terminate only with the final triumph of the forces of peace, independence, democracy and social progress. He especially wished to thank them for their invaluable assistance to the displaced and uprooted victims of the recent war of aggression in his country. That war, and the problems inherited from the previous régime, had left it one of the least developed countries in the world and confronted by a host of overwhelming social, political and economic problems. The presence of 700,000 refugees in a total population of 3 million graphically demonstrated the magnitude of the problems created by an imperialist war of unparalleled violence and cruelty, highlighted by large-scale killing, burning and destruction. Neither the national temperament of his

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(Mr. Ngaosyvath, Lao People's Democratic Republic)

countrymen nor the policy of his country's ruling party would tolerate forced solutions to those problems, and his Government persisted in a humane and non-violent approach, even in the face of continued provocation by USAID and CIA forces still active in the country. The increased aid accorded by the High Commissioner in 1975 and 1976 was in recognition of his country's determination to solve its refugee problem in practical and undogmatic fashion.

19. With respect to the report of the United Nations High Commissioner for Refugees (A/31/12), he noted the reference on page 41 to 57,000 Lao refugees in Thailand. It was important to understand that that exodus had been deliberately provoked by the imperialist aggressors in an effort to undermine efforts to rebuild and develop the country. Even such an objective observer as United States Senator Edward Kennedy had noted the connexion between the movement of those refugees and the transfer of a United States air base, which was also CIA headquarters, from his country to Thailand. The entire problem reflected an imperialist manoeuvre conducted by means of psychological warfare aimed at exploiting refugees in order to undermine the Lao régime, using methods dating back to 1954, as documented in the Pentagon Papers. The refugees were being used to spread deliberate slanders against the Lao People's Democratic Republic through the Western mass media in order to create panic in and flight from the country, thus aggravating the refugee problem in a vicious circle. His country, on the contrary, welcomed the increasing number of voluntary repatriates with open arms. It needed the entire population in order to promote development and had openly welcomed the services of all patriotic officials - civilian, military or diplomatic - of the former régime, after an essential retraining at political education centres where they joined officials of the new régime in learning the methods and goals of a new society.

20. In conclusion, his delegation wished to thank those Governments which had contributed to the High Commissioner's programmes in his country and to announce its desire to become a sponsor of draft resolution A/C.3/31/L.30.

21. Mr. HALL (Australia) said that his delegation recognized the difficulties which the High Commissioner for Refugees had had to face in 1976 and 1977 and hoped that his appeals for more assistance would be heeded. His own country's contribution to the High Commissioner's regular budget would be raised in 1977, subject to parliamentary approval, to \$US 566,000, an increase of 20 per cent.

22. Australia had given shelter to refugees from a number of countries and had contributed to various special operations carried out by the High Commissioner but wished to reiterate its doubts with respect to the duration of certain operations, some of which could take on the appearance of self-perpetuating development projects which might more properly be considered the responsibility of UNDP. In that connexion, it appeared that the High Commissioner's Office had, because of its skills and effectiveness, often taken on tasks which fell more properly within the mandates of other agencies, and his delegation would therefore like to see a clear division of functions between the Office of the High Commissioner and the United Nations Disaster Relief Office. It was important that the High Commissioner should not lose sight of his prime responsibilities, which were the protection of and assistance to mandated refugees under the 1951 Convention.

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(Mr. Hall, Australia)

23. With respect to the protection of refugees, Australia saw considerable value in the proposed Convention on Territorial Asylum and welcomed the decision to call a conference of plenipotentiaries on territorial asylum in early 1977. It supported the principles underlying the text of the articles in the appendix to the report of the Group of Experts on the draft Convention on Territorial Asylum in document A/10177, although it saw a need for further revision and drafting improvements. The final text should carefully balance the legitimate expectations of applicants for asylum against the sovereign rights and duties of the receiving State. His Government appreciated the contribution of the non-governmental organizations and felt that the appropriate ones should be granted observer status at the conference in January.

24. His delegation was also interested in the accession of States to the relevant international documents. Australia was a signatory to the Convention on the Reduction of Statelessness, and its domestic law had for many years been substantially in conformity with it.

25. In the light of the facts he had cited, his delegation was pleased to be a sponsor of draft resolution A/C.3/31/L.30.

26. Mr. SHEMIRANI (Iran) commended the High Commissioner for his work in attenuating the effects of the growing refugee problem caused by international tensions beyond his control. His delegation also appreciated the High Commissioner's efforts to remain within budgetary limits and to accomplish as much as possible with a minimum staff, especially at a time when assistance programmes had to be further intensified in Africa, Asia and Latin America. The efforts of UNHCR to co-operate with other United Nations bodies and to receive financial and material assistance from various organizations were also important. However, it was essential to increase the contributions of Governments for future years in order to avoid special appeals for supplementary contributions.

27. Iran had acceded to the 1951 Convention and to the 1967 Protocol relating to the Status of Refugees and was pleased to be a sponsor of draft resolution A/C.3/31/L.30.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/31/3 [Chaps. II, III (sects. F, G and L), IV (sect. A), V, VI (sects. B to D) and VII (sect. D)]], A/31/64, A/31/74, A/31/99, A/31/253; A/C.3/31/1, A/C.3/31/4, A/C.3/31/5, A/C.3/31/6 and Add.1, A/C.3/31/10; A/C.3/31/L.19, L.26, L.29) (continued)

28. The CHAIRMAN announced that the delegations of Guyana and Jamaica had joined the sponsors of draft resolution A/C.3/31/L.26.

AGENDA ITEM 72: WORLD SOCIAL SITUATION: REPORT OF THE SECRETARY-GENERAL (E/CN.5/512/Rev.1 (ST/ESA/24); A/31/198; A/C.3/31/L.21, L.22, L.23, L.25) (continued)

29. Mrs. MEHDI (Pakistan), introducing draft resolution A/C.3/31/L.22 on behalf of the Group of 77, indicated several small corrections to the text of the first, third and fourth preambular paragraphs and of paragraphs 4, 5 and 8.

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(Mrs. Mehdi, Pakistan)

30. Noting that social progress for all peoples depended upon reducing the stark disparity of living conditions between the peoples of the developed and of the developing countries, she said that the developing countries were aware that the primary responsibility for development rested upon themselves. Despite the distortions created by a system of destructive colonial exploitation and despite the pressures of time, the developing countries were unremitting in their efforts to promote social progress. As noted in the preamble, the desired pace of social progress in the developing countries was hindered by the unjust world economic order; existing economic relations exercised a decisive influence on the internal social situation. In view of those vital socio-economic facts, the Group of 77 deeply deplored the lack of response from some developed countries to measures designed to establish the new international economic order. It also reaffirmed that the elimination of colonialism, aggression, foreign occupation, discrimination and threats against national sovereignty and territorial integrity was a pre-condition for social and economic progress.

31. She drew attention to paragraph 7, which concerned the argument that assistance to the developing countries should be made conditional on their implementing social reforms. As paragraph 7 clearly indicated, the Group of 77 did not accept that view.

32. Mr. HEINEMANN (Netherlands), speaking on behalf of the nine member States of the European Communities, said it was desirable that draft resolution A/C.3/31/L.22, which clearly encompassed both social and economic elements, should be amended on a number of points; he noted that the amendments were also partly of a social and partly of an economic character.

33. First, however, he wished to draw attention to a procedural point. Although the nine delegations agreed to an integrated approach to social development, they believed that the draft resolution was mainly economic in nature and that it therefore also merited the attention of the Second Committee. That Committee had developed over the years a negotiating procedure that was eminently suited for dealing with economic issues. He therefore formally proposed that either the Third Committee should refer the economic implications of the draft resolution, together with the amendments which the nine delegations intended to introduce, to the Second Committee for consideration or, alternatively the Third Committee should remain seized of the matter but should proceed with the discussion in the manner adhered to in the Second Committee. He asked the Chairman to rule on either of those alternatives.

34. The CHAIRMAN took the view that draft resolution A/C.3/31/L.22 was clearly before the Third Committee. She suggested that the representative of the Netherlands should formally introduce his amendments, after which the Committee would again consider what action it should take with regard to the draft resolution.

35. Mrs. MAIR (Jamaica) said that her delegation, which had participated in the consultations in the Group of 77, supported draft resolution A/C.3/31/L.22, one of the most important to come before the Third Committee at the current session.

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(Mrs. Mair, Jamaica)

The gross disparity in social conditions between people in developed and developing countries, a significant feature of the world's social scene, had to be the starting point for consideration of the item. As could be seen from the 1974 Report on the World Social Situation (E/CN.5/512/Rev.1), and from the many statements made by delegations, palliative measures were of little value: the increasing urgency of the situation demanded consideration of fundamental causes and fundamental solutions.

36. Accordingly, the fourth, fifth, sixth, eighth and ninth preambular paragraphs pointed to some of the main determining factors underlying social distress and poverty. They identified the injustices and inefficiencies of the world economic system which resulted in the maldistribution of the world's resources. Such maldistribution operated to the gross disadvantage of developing countries and inhibited their capacity to pursue policies of social progress at the desired pace.

37. The draft resolution addressed itself to the strategies by which the costs of minimal social requirements could be met and resources for social development could be made available, as could be seen from paragraphs 5, 6, 7, 8, 9 and 10. In the view of some delegations, the draft resolution appeared to lay undue emphasis on economic considerations. It was important to recall, however, as the Jamaican Ambassador had done in a recent public statement, that the Declaration and Programme of Action on the Establishment of a New International Economic Order were basically of a philosophical and political nature: political, in the sense that it was through the exercise of political will that decisions would be taken to ensure that the world's resources were equitably distributed; and philosophical, in the sense that the objectives were the moral ones of ensuring steadily accelerated economic and social development and peace and justice for present and future generations, on the basis of the proposition that all men and women were created equal.

38. The developing countries were the first to acknowledge the deplorable social conditions prevalent within many of their boundaries. Frequently, however, as the Jamaican Ambassador had emphasized in his statement, the developing countries were asked to do what the privileged countries had never been able to do, or had never accepted or perceived any need to do when they had been in a state comparable to that of the developing countries. While the latter recognized what must be done in regard to the conditions of their people, they found it hard to agree that those requirements should become almost a condition for winning the response of the rich countries. The developing countries remembered the price in human suffering, degradation, repression and discrimination that had been paid and was still being paid by certain sectors of the population, for much of the development and wealth of the affluent countries. In most cases, the Ambassador had gone on to state, it was only when they had established viable economies and considerable wealth that those countries had turned to face the necessities of social justice and human rights and had begun to provide social services and to create a meaningful place for the mass of their people in the social and economic life of their countries.

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(Mrs. Mair, Jamaica)

39. Developing countries, in spite of limited resources and constraints, had embarked on programmes designed to promote comprehensive social development and to improve the conditions in the particularly disadvantaged sectors of their societies. Paragraphs 2 and 4 of the draft resolution also underlined the increasing involvement of important social groups, such as youth and women, in socio-economic development in developing countries.

40. Her delegation was therefore pleased to give the draft resolution its fullest support and commended it for adoption.

AGENDA ITEM 69: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

(b) REPORTS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
(A/C.3/31/L.18) (continued)

41. Mr. SADI (United Republic of Cameroon) said that he wished to explain his delegation's vote on draft resolution A/C.3/31/L.18 in order to emphasize the full consistency of its vote with the domestic and foreign policy of his Government.

42. First, he wished to emphasize the high quality of the work of the Committee on the Elimination of Racial Discrimination, the comprehensive nature of the information contained in its reports, the highly scientific nature of its methodology and its commendable efforts to ensure impartiality.

43. The Constitution of his country, in referring to the Universal Declaration of Human Rights, to which it had fully adhered, specified that all Cameroonians were equal before the law. The only criteria for access to all key sectors of socio-economic life were those of personal competence.

44. In a country that was both diverse and unified, the policy of regional balance skilfully pursued by the President of the Republic, who had always declared that there were no second-class citizens in the Republic, had stifled any tendency towards racial discrimination that might have emerged from tribal interests. The migrant workers who came to the country to assist in national construction were also warmly welcomed.

45. That approach extended to the foreign policy of his country, which, he recalled, had had the honour to submit, and to have adopted by the General Assembly, the OAU Manifesto on Southern Africa, defining the African position with regard to the total liberation of the continent from colonialism and racial discrimination. The United Republic of Cameroon had always furnished moral and material assistance to the African peoples still being subjected to racial discrimination and apartheid and was determined to maintain that assistance and to participate in action co-ordinated by the Committee on the Elimination of Racial Discrimination. Thus, it was in the forefront of international efforts to combat racial discrimination.

46. His delegation had accordingly voted in favour of draft resolution A/C.3/31/L.18.

The meeting rose at 5.10 p.m.