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UNITED NATIONS CONFERENCE ON TERRITORIAL ASYLUM

SUMMARY RECORD OF THE SECOND MEETING

held at the Palais des Nations, Geneva,  
on 11 January 1977, at 5.45 p.m.

Acting President: Mr. WINSPEARE GUICCIARDI (Director-General,  
United Nations  
Office at Geneva)

President: Mr. OSMAN (Somalia)

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ELECTION OF THE PRESIDENT (item 2 of the provisional agenda)

1. Mr. BARBERIS (Argentina), speaking on behalf of the Latin American group, nominated Mr. Osman (Somalia) for the office of President.
2. Mr. KIBRIA (Bangladesh), speaking on behalf of the Asian group, seconded the nomination.
3. Mr. AMLE (Norway), speaking on behalf of the group of Western Countries, Mr. TOTH (Hungary), speaking on behalf of the countries of Eastern Europe, and Mr. VANDERPUYE (Ghana), speaking on behalf of the African group, supported the nomination.
4. Mr. Osman (Somalia) was elected President by acclamation and took the Chair.
5. The PRESIDENT thanked representatives for giving him their unqualified support by unanimously electing him President of the Conference. Their generous gesture was a vivid manifestation of the overwhelming confidence they had placed in him and his country.
6. The Conference had been entrusted with the task of establishing, for the first time, legal norms governing territorial asylum. As representatives were aware, the international community had been engaged for many years in a major effort to formulate universally acceptable principles to regulate the granting of asylum to bona fide refugees. In that connexion it was relevant to mention the substance of several provisions of the draft convention which had been referred to the Conference for consideration - provisions which themselves reflected those of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1967 United Nations Declaration on Territorial Asylum, the Statute of the Office of the United Nations High Commissioner for Refugees, the Havana Convention on Asylum of 1928, the Caracas Convention on Territorial Asylum of 1954, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the International Covenant on Civil and Political Rights and several other regional and bilateral agreements.
7. Despite those significant contributions to the development and promotion of the rights of refugees to territorial asylum, an overwhelming need had been felt to consolidate and systematize in an appropriate legal fashion the law governing territorial asylum. It was in that spirit that the General Assembly, in resolution 3456 (XXX), had decided to convene a Conference of Plenipotentiaries to elaborate and adopt a convention on territorial asylum.
8. The task before the Conference was a difficult and delicate one and required patience, perseverance and a marked sense of responsibility. In the course of its deliberations, the Conference might be faced with the problem of trying to reconcile divergent positions and viewpoints. If such a situation arose, members were in duty bound to co-operate in order to seek a common solution which would be acceptable to all. The paramount aim should always be to arrive at generally acceptable solutions, so that the convention to be adopted would command the widest possible support. He was fully confident that the Conference would be crowned with success.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (A/CONF.78/1)

9. Mr. BARBERIS (Argentina) proposed that item 5 of the provisional agenda should be taken up after items 6 and 7 and that the three items should be renumbered accordingly.
10. The Argentine proposal was adopted.
11. The provisional agenda (A/CONF.78/1), as amended, was adopted.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (A/CONF.78/2)

12. Mr. van der KLAUW (Netherlands) noted that chapter X of the provisional rules of procedure (A/CONF.78/2) contained no provision relating to representatives of non-governmental organizations which took an active interest in refugee problems and which should have the right to participate in the Conference with observer status. He recalled that the Executive Committee of the High Commissioner's Programme had in October 1976 adopted a recommendation to the effect that representatives of non-governmental organizations concerned with the problems of refugees should be invited to attend the Conference of Plenipotentiaries as observers. A number of such organizations were greatly interested in the work of the Conference and could make a positive contribution to it. Their participation in the Conference with observer status would not be without precedent, since they had already taken part in a number of other international conferences on the question.

13. He therefore suggested that the following text should be included in chapter X of the provisional rules of procedure:

"1. Representatives designated by non-governmental organizations concerned with problems relating to the protection of refugees and having consultative status with the Economic and Social Council in accordance with Article 71 of the Charter have the right to participate as observers, without the right to vote, in the deliberations of the Conference, the Committee of the Whole and, as appropriate, in other Committees, Sub-Committees and Working Groups.

"2. Written statements of such representatives shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat."

14. Mr. ELIO (Bolivia), referring to rule 42 of the provisional rules of procedure, said that as the Conference was to deal with humanitarian questions affecting the international community as a whole, his delegation believed that there should be no secret ballot. He therefore proposed that rule 42 should be deleted.

15. Mr. ENE (Romania) said that rules 46 and 47 of the provisional rules of procedure were designed to establish the basic machinery for the drafting process. It was important that the Conference should elaborate a convention acceptable to the largest possible number of States. That could be achieved only if the views of all interested countries were taken into account. He therefore suggested that a sentence should be added to rule 46, to the effect that in general each State participating in the Conference might be represented in the sub-committees or working groups, unless otherwise decided.

16. With regard to rule 47 he thought that, in the light of the practice followed by other conferences, the most appropriate solution would be for the drafting committee to be open to all interested delegations. He therefore proposed that the rule should be amended to ensure that all interested delegations presenting texts or amendments were allowed to state their views in the Drafting Committee.

17. The PRESIDENT requested the representative of Romania to submit a written text of his proposed amendments to the secretariat.

18. Mr. KHERBI (Algeria) recalled that, in an effort to smooth out any difficulties which the Conference might have to face, informal consultations had been held with a view to distributing the various offices equitably among the groups of delegations and ensuring that the interests of all States were fully represented. However, it seemed that the spokesmen of certain groups had not in fact been authorized to speak on behalf of their groups as a whole. With regard to rule 46, agreement had been reached first to increase the number of members of the Drafting Committee to 27, and then to increase the membership to 31. However, the Romanian amendment to rule 46 seemed to indicate that that gentleman's agreement was no longer being adhered to. His delegation therefore believed that it was not possible at the present stage to adopt the provisional rules of procedure, and proposed that consideration of the question should be postponed to allow for further consultations.

19. Mr. van der KLAUW (Netherlands) said he thought that all delegations which had proposals to make should be given an opportunity to do so at the present meeting.

20. Mr. ENE (Romania) said that his delegation had no objections to further consultations on the rules of procedure. At the same time, he wished to make it clear that the amendment he had proposed to rule 47 was not contrary to the agreement that had been reached in the preliminary consultations. His amendment was designed merely to enable all delegations, regardless of the agreed number of members of the Drafting Committee, to attend meetings of that Committee if they had amendments or proposals to defend.

21. Mr. de ICAZA (Mexico) said that his delegation fully supported the proposal by the Netherlands to enable representatives of non-governmental organizations interested in problems of refugees to attend the Conference. It also supported the Romanian amendment to rule 46.

22. With regard to rule 47, his delegation could accept the wording as it now stood, and would also have no objection if the Conference decided to increase the number of members of the Drafting Committee. At the same time, in view of the importance of the convention to be adopted by the Conference, his delegation thought that a paragraph should be added to rule 47 stating that any delegation could attend meetings of the Drafting Committee and participate fully in the Drafting Committee's discussions. His delegation would submit a written proposal to that effect based on rule 47 of the rules of procedure of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

23. Mr. ANLE (Norway) said that, in view of the late hour, his delegation moved that the meeting be adjourned.

24. The PRESIDENT thought it would be preferable for all proposed amendments to the rules of procedure to be introduced before the meeting was adjourned, so that comments could be made on them at the following meeting.
25. Mr. KHERBI (Algeria) noted that the comments he had made earlier with regard to rule 47 were in no way intended to invalidate the amendment proposed by Romania. They merely reflected his surprise at the lack of understanding of what had been agreed upon during the preliminary consultations. His delegation was of the opinion that the Drafting Committee should consist of 31 members, including the Chairman, and that the Rapporteur of the Committee of the Whole should participate ex officio, without a vote, in the work of the Drafting Committee.
26. His delegation supported the amendment to rule 46 proposed by the representative of Romania.
27. Mr. MARESCA (Italy) said he wondered whether provisional rules of procedure could in fact be amended before they had been adopted.
28. The PRESIDENT suggested that the Conference should adopt all the rules of procedure which were not subject to discussion.
29. Mr. COGAN (Ireland) drew attention to a typing error in rule 50, which should refer to rule 35, not to rule 33.
30. The PRESIDENT said that the Secretariat would take note of that error.
31. Mr. AMLE (Norway) reminded the President that, in accordance with rule 27 of the provisional rules of procedure, his delegation had moved the adjournment of the meeting.
32. Mr. COLES (Australia) said that his delegation supported the Norwegian delegation's motion for the adjournment of the meeting. It hoped that the Conference would be able to adopt the provisional rules of procedure at the following meeting, after discussing the amendments proposed by various delegations.
33. The PRESIDENT said that, if he heard no objection, he would take it that the Norwegian delegation's motion for the adjournment of the meeting was adopted.
34. It was so agreed.

The meeting rose at 6.55 p.m.