



CONTENTS

	Page
Agenda item 30:	
Report of the United Nations High Commissioner for Refugees (<i>continued</i>)	61
Consideration of draft resolutions (<i>continued</i>)	61

Chairman: Mr. Hermod LANNUNG (Denmark).

AGENDA ITEM 30

Report of the United Nations High Commissioner for Refugees (A/3123/Rev.1, A/3123/Add.1 and 2, A/3154, chap. VI, section IV, A/C.3/L.508, L.509, L.510 and Add.1, L.512) (*continued*)

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.3/L.508., L.509, L.510 AND Add.1, L.512) (*continued*)

1. Mr. READ (Deputy United Nations High Commissioner for Refugees) stated with reference to the Syrian draft resolution (A/C.3/L.512) that, in accordance with paragraph 8 (*d*) of his Statute (General Assembly resolution 428 (V), annex), the High Commissioner encouraged the admission of refugees, including those in the most destitute categories. He could not, however, act directly and his work consisted in consulting Governments and in seeking with them ways of encouraging such admission. The High Commissioner did not interfere with the selection or the transportation of refugees, that being the responsibility of the Governments concerned, the Inter-Governmental Committee for European Migration and other philanthropic organizations.

2. None of those organizations was at present in a position to furnish the information for which the Syrian representative called. The Office of the High Commissioner would, however, communicate with them and the information requested would appear in the next annual report.

3. In reply to the question put by the United Kingdom representative at the 693rd meeting, he said that the new situation created by the Hungarian refugees had affected the current activities and normal programme of the High Commissioner's Office both in Austria and in other European countries. Indeed, the entire staff had to work almost exclusively on the emergency relief of Hungarian refugees. Thus, in Austria the Office of the High Commissioner had had to abandon all other activities and the staff had had to be augmented by officials from Headquarters. In other countries too, such as France, Belgium, and particularly Germany and Italy, the High Commissioner's staff was having to give priority to the relief of Hungarian refugees.

4. The sudden increase in the number of refugees under the care of the High Commissioner's Office had entirely upset all its activities and it would have to revise its programme completely, both as regards Austria and as regards the other European countries which had accepted Hungarian refugees.

5. Mr. BRENA (Uruguay) said that, before examining the various draft resolutions before the Committee, he wished to comment on some points raised in the general debate.

6. First, it had been said that there were criminals among the refugees. That depended on the definition of the word "refugee". A refugee was a person who, faced by a present or potential threat arising out of the political or ideological régime introduced by the Government and the fact that the Government regarded all who did not share its ideas as its enemies, was compelled to flee from his own country. Refugees were therefore persons who left their country because they were no longer able to think, speak or act freely. If that definition of the word "refugee" was accepted, refugees could not be confused with offenders or styled as criminals. A marked difference existed between an offence under ordinary law and a political offence.

7. Secondly, some speakers had mentioned refugees who had left their countries although they had not engaged in any political activities. One did not have to be a member of a political party to feel oneself threatened and want to flee when the economic, political or ideological principles of the country's Government were such as to deny to the individual freedom of thought and action.

8. Thirdly, there had been some confusion between the terms "refugee" and "emigrant". An emigrant was one who left his country voluntarily in order to seek better living conditions elsewhere, whereas a refugee was one who was forced to flee from his country because of the threat of persecution.

9. Fourthly, the High Commissioner had been reproached with not facilitating the return of the refugees to their countries of origin. For repatriation to be possible, two essential conditions had to be met: on the one hand, the Government of the country of origin must agree to the refugee's return, and, on the other, the refugee must agree to return to his country. Accordingly, the High Commissioner could do no more than consult the two parties concerned. When both agreed, there was no difficulty and the High Commissioner took the necessary measures to effect repatriation; but when the opposite was the case, the High Commissioner was powerless. He could not be asked to do more than he was already doing. He permitted the Governments of the countries of origin to inform refugees concerning legislative or other amnesty measures which would apply to them on their return and to send commissions into the camps to talk to the refugees.

gency special session of the General Assembly from 4 to 10 November 1956). Moreover, the Assembly had decided at its 576th plenary meeting, on 13 November 1956, not to refer the question to one of the Main Committees. Accordingly, the draft resolution was contrary to a General Assembly decision; the Third Committee would certainly be exceeding its powers if it were to adopt a text relating to a question which had not been referred to it for consideration. Moreover, there was an important precedent in that connexion; the question of the Palestine refugees was considered together with the Palestine question as a whole in the Special Political Committee, and not in the Third Committee. It would seem, therefore, that the sponsors of the joint draft resolution should delete from their proposal everything that concerned agenda item 67. If the question could not be settled satisfactorily in the Committee itself, the Chairman should perhaps consider the legal aspects with Secretariat experts and the officers of the General Committee.

37. The Czechoslovak delegation would vote for the Syrian draft resolution (A/C.3/L.512), but could not vote for the Dominican draft resolution (A/C.3/L.509), as it agreed with the views expressed by the Afghan representative (694th meeting) and by the Yugoslav representative (692nd meeting).

38. Czechoslovakia had tried to remain objective throughout the debate and it was in that spirit that it had submitted the draft before the Committee. In so doing, it hoped to give a satisfactory new direction to the activities of the High Commissioner's Office and to expedite a solution of the refugee problem. It was quite prepared to collaborate with the High Commissioner's Office and intended to invite representatives of the Office to observe on the spot, the assistance given to repatriated refugees.

39. Mr. MENDES de ALMEIDA (Brazil) informed the Committee that Brazil had decided to appropriate \$30,00 for assistance to Hungarian refugees and that it would accept 3,000 refugees.

40. Mr. BEAUFORT (Netherlands) said that he would comment on some considerations raised by the statement of the Under-Secretary for Economic and Social Affairs (694th meeting) to the effect that there was no incompatibility between the resolution adopted by the General Assembly at its 587th plenary meeting on 21 November 1956 and the joint draft resolution (A/C.3/L.510 and Add.1).

41. A distinction between the Third Committee and the General Assembly was in fact artificial. All Member States took part in the Committee's work and the votes on the Committee's decisions in plenary meetings were merely a formality. The General Assembly had decided to set up Main Committees and to divide the agenda items among them, but it had done so primarily for reasons of practical convenience; it could therefore be said that the Committee was the Assembly and could therefore deal with any matter which fell within the Assembly's competence.

42. It should be borne in mind that even if the Third Committee were to adopt a text which departed from a resolution adopted at a plenary meeting, it would not necessarily be acting illegally, since it was quite possible that, in view of changing circumstances, the new text might be better adapted to current needs.

43. In any case, it must be recognized that the joint draft resolution and the resolution adopted by the General Assembly at its 587th plenary meeting were not contradictory. The draft resolution referred to the General Assembly resolution in the fourth paragraph of the preamble. The essential purpose of operative paragraph 3 was to avoid the establishment of special new machinery for the Hungarian refugees. An efficient agency already existed—the High Commissioner's Office, which had a devoted and competent staff; it was essential to avoid the duplication in which the establishment of new machinery might result.

44. Some speakers had stressed the need to ensure close collaboration between the Secretary-General and the High Commissioner. Such collaboration was particularly desirable in view of the financial difficulties which the High Commissioner had encountered and of the assistance which the Secretary-General could give him. It was particularly necessary because of the increased needs arising from the influx of Hungarian refugees.

45. The Netherlands delegation would therefore not object to the insertion of some phrase such as "in conformity with paragraph 17 of the Statute and" between the phrases "High Commissioner" and "in consultation with" in operative paragraph 3 of the joint draft resolution (A/C.3/L.510 and Add.1).

46. Mr. MIGONE (Argentina) supported the Dominican draft resolution (A/C.3/L.509). He would vote against the Czechoslovak draft resolution (A/C.3/L.508) and the Albanian amendment (A/C.3/L.511) to it. He would vote in favour of the joint draft resolution (A/C.3/L.510 and Add.1) and the Chilean amendment (A/C.3/L.515) to it, but against the Syrian amendments (A/C.3/L.514) to it.

47. The Uruguayan representative had already made a number of useful comments, he himself now wished to make some general observations. First, it was necessary not to lose sight of the essential fact that a refugee problem arose only if human rights were not respected in a particular country. Voluntary repatriation was the first solution laid down in the Statute of the High Commissioner's Office and it would certainly be an ideal solution which would eliminate all the difficulties inherent in the refugee problem; but the refugees had decided of their own free will to face exile in defence of their ideals: their decision to return to their countries of origin must be free and unforced. They must be sure that they would not be walking into a trap and convinced that the régime they had fled had really changed. He quoted as an example the rather discouraging experience of some Argentine refugees in Uruguay, who had been unwise enough to believe the promises of the semi-totalitarian régime which had then dominated their own country.

48. As for the refugees in Austria, they might possibly include some fascists and Communists, but the great majority undoubtedly were sincerely democratic; the countries in which those refugees might resettle should consider the possible arrival of such men of good will as an advantageous prospect for all concerned.

49. Mrs. ELLIOT (United Kingdom) pointed out that the joint draft resolution was not meant in any way to modify or replace the General Assembly resolutions concerning the Hungarian refugees; in any case,

those resolutions were mentioned in the preamble to the draft resolution.

50. Referring to operative paragraph 3, the Chinese representative had asked (694 meeting) who would be responsible for the necessary co-ordination. The resolution adopted by the General Assembly at its 587th plenary meeting, left no doubt on that point: the responsibility was to be entrusted to the Office of the High Commissioner. The Chinese representative had also asked where the necessary funds for assisting the Hungarian refugees were to be obtained; the General Assembly resolution answered that question also. Lastly, with regard to the Chinese representative's question whether the UNREF Executive Committee should meet before its regular session, to be held in January, that was for the Deputy High Commissioner to decide, in consultation with the Committee members, whom he might possibly consult by letter.

51. Turning to the various amendments to the joint draft resolution (A/C.3/L.510 and Add.1) she said that she understood that the Secretary-General and the Deputy High Commissioner agreed that the words "with the Secretary-General and" should be added after the words "in consultation" in operative paragraph 3. That amendment was acceptable to the sponsors of the draft resolution. They were also very happy to accept the amendment proposed by the Chilean delegation (A/C.3/L.515). As regards the Syrian amendments (A/C.3/L.514), the sponsors would at the present time have difficulty in accepting points 3 and 4, which would considerably weaken the wording of the draft resolution; she wondered why the Syrian delegation had suggested them. On the other hand, the sponsors of the draft resolution had no objection to the amendments to operative paragraph 2, and they were prepared to incorporate them. As for the amendment to the preamble, she understood that the Syrian delegation did not want the fourth paragraph of the preamble to contain a reference to General Assembly resolution 1006 (ES-II) as it felt that the preamble to part II of that resolution had political implications. But she pointed out that the language of the joint draft resolution referred rather to the operative part of that resolution. She hoped that the Syrian representative would be satisfied with that explanation.

52. A revised text incorporating the various amendments she had mentioned would shortly be submitted to the Committee.

53. The United Kingdom delegation would vote against the Czechoslovak draft resolution (A/C.3/L.508), the Albanian amendment (A/C.3/L.511), and the Syrian draft resolution (A/C.3/L.512) for the following reasons: it did not feel that there was any justification for imposing on the High Commissioner's Office the extra work and expense which those resolutions would involve, just when it had to deal with the problems created by the influx of Hungarian refugees. Moreover, the United Kingdom delegation could not but feel some misgivings about the possible uses to which the information requested from the High Commissioner might be put. It was essential that the refugees should have a free choice between integration, resettlement and repatriation. They must not be subjected to any pressure to return to their countries against their will; but the United Kingdom delegation could not avoid the feeling that the emphasis placed on repatriation in the Czechoslovak draft resolution

might perhaps involve such pressure. That consideration must affect its attitude to the Syrian draft resolution.

54. The United Kingdom delegation fully supported the Dominican draft resolution (A/C.3/L.509).

55. Mr. MUFTI (Syria) thanked the sponsors of the joint resolution (A/C.3/L.510 and Add.1) for accepting the Syrian amendment to operative paragraph 2 of their text, but he regretted their rejection of the the three other amendments, which his delegation had submitted in a spirit of compromise and which it wished to press because they were constructive. Part II of General Assembly resolution 1006 (ES-II) did in fact contain some strongly political elements which were quite out of place in draft resolution of humanitarian character. The words "grave concern", in operative paragraph 4 of the joint draft, were too strong and, because of the type of problem involved, might be interpreted in a way which the sponsors did not intend. The word "urges" in operative paragraph 5 made the clause too imperative; moreover, it was superfluous, as, in the same paragraph, Member States were invited to "give early and serious consideration" to the question.

56. The Syrian delegation was prepared to vote for the Chilean amendment (A/C.3/L.515).

57. He was pleased that the Czechoslovak draft resolution had been amended by its sponsor. He was happy, also, that the delegation of the Dominican Republic had taken account of his objections to operative paragraph 1 of its draft resolutions (A/C.3/L.509). Nevertheless, the Syrian delegation would not be able to vote for that text unless that paragraph read as follows:

"Urges Governments to continue actively the work on behalf of the refugees."

58. He noted with satisfaction that the Deputy High Commissioner was willing to enter into consultations with a view to providing the additional information requested by Syria; he welcomed the fact that the High Commissioner's Office had decided to give the financial implications of the Syrian draft resolution only secondary importance, and they were no longer an obstacle to its adoption. Finally, the Syrian delegation did not doubt that the High Commissioner's Office could encourage refugee immigration under paragraph 8 (d) of its Statute (General Assembly resolution 428 (V), annex). But under that provision, the High Commissioner's Office was required to extend its protection to the most destitute categories of refugees, the sick, the disabled, women and children. Of course, the High Commissioner's Office had nothing whatever to do with the selection of refugees who wished to emigrate to other countries, but it should not help certain countries, which made a selection prejudicial to the refugees themselves and to other countries and contrary to the Statute, to carry out their policy. The Syrian delegation had taken note of the fact that the High Commissioner's Office was not concerned with questions relating to the transportation of refugees; it would take that into account in the future when considering official reports of the High Commissioner's Office.

59. Mr. de SEYNES (Under-Secretary for Economic and Social Affairs), replying to the Netherlands representative, said that he had not wished to raise the question of the legality of the joint draft resolution or to question the Third Committee's right to modify

previous decisions. All he had wished to do was to dissipate any possible doubts concerning some of the provisions of the draft resolution; they had now been entirely removed, *inter alia*, by the Netherlands representative's statement and the amendment suggested by the United Kingdom representative.

60. Mr. AZNAR (Spain) said that he was somewhat surprised at the trend sometimes taken by the debate and regretted that the members of the Committee did not always confine themselves to the humanitarian considerations they mentioned so often.

61. The Spanish delegation would vote for the Dominican draft resolution (A/C.3/L.509). An impartial consideration of the Czechoslovak resolution (A/C.3/L.508) showed that it contained some valuable points, but many delegations feared that it was too political in character. At all events, the fact that it did not even mention integration and resettlement among the possible solutions was most regrettable. It was also a little strange that it did not mention the Hungarian refugees, if only because of the strong feeling that question was

arousing throughout the world. Operative paragraph 2 did not seem satisfactory. The problem of the departure of refugees who had decided to return to their countries of origin was primarily a matter for the countries concerned. The strongest safeguards must be required of them; furthermore, the repatriated refugees must be able to return to the country in which they had found asylum, if they so wished.

62. The Spanish delegation would vote against the Albanian amendment (A/C.3/L.511) to the Czechoslovak draft resolution as it might lead to a political discussion which would be better avoided.

63. The wording of the joint draft resolution (A/C.3/L.510 and Add.1) was unfortunately rather vague; nevertheless, the circumstances were such that it was perhaps impossible to lay down more specific provisions, particularly with regard to the payment of contributions to the United Nations Refugee Fund. He would therefore vote for the draft resolution and for the Chilean amendment (A/C.3/L.515) to it.

The meeting rose at 1.5 p.m.