

2039th meeting

Tuesday, 27 November 1973, at 10.45 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2039

AGENDA ITEM 67

Report of the United Nations High Commissioner for Refugees (continued) (A/9003 and Corr.1, chap. XXIV, sect. C; A/9012 and Corr.1 and Add.1 and 2, A/C.3/L.2080, A/C.3/L.2084)

1. Mrs. WATANABE (Japan) expressed appreciation to the United Nations High Commissioner for Refugees and his staff for their excellent record in fulfilling their arduous responsibilities. Noting that, according to the High Commissioner's report (A/9012 and Corr.1 and Add.1 and 2), as many as 230,000 refugees had benefited from UNHCR assistance during 1972, she said it was regrettable that, despite the High Commissioner's achievements, many tens of thousands of people still found themselves in the position of refugees. In such circumstances, UNHCR should continue to assist refugees in close co-operation with the countries involved and with other international organizations.
2. Because of Japan's geographical position, it felt special concern about the refugee problem in Asia, which was touched upon in paragraphs 125 to 131 of the report. Her delegation was pleased to learn of the progress which the Office of the High Commissioner had achieved in Asia, and hoped that further progress would be possible.
3. The Japanese Government would endeavour to continue its financial support of the High Commissioner's activities. Its specific contribution would be announced at the forthcoming meeting of the *Ad Hoc* Committee of the General Assembly for Announcement of Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees. In addition, her delegation wished to become a sponsor of draft resolution A/C.3/L.2080.
4. The CHAIRMAN announced that Burundi and the Gambia wished to be added to the list of sponsors of draft resolution A/C.3/L.2080.
5. Mr. VAN WALSUM (Netherlands) associated his delegation with the expressions of appreciation of the work of the High Commissioner and his staff. The High Commissioner's report showed that large-scale refugee situations still confronted the international community. It was of the greatest importance that the international community should support his efforts wherever possible.
6. The current refugee situation in Chile had increased the burden on the Office of the High Commissioner. In recognition of that fact, the Netherlands Government had made a financial contribution to the Office of the High Commissioner to help cover the situation. His Government hoped that the Government of Chile would act in continuing co-operation with the High Commissioner and in conformity with international conventions and practice.
7. The refugee situation in Africa continued to give cause for the greatest concern. He welcomed the considerable progress made in assisting Uganda Asians of undertermined nationality and in the relief programme in the southern Sudan. Nevertheless, the situation in Africa was still exacerbated by the persistence of colonial rule and recent disconcerting increases in the number of refugees from Burundi.
8. It was regrettable that each step forward in dealing with refugee problems was counterbalanced by the emergence of new refugee situations. He wished to stress once again that the international community could prevent the emergence of new refugees only by refraining from acts which created refugee situations.
9. Mr. ABSOLUM (New Zealand) said that the skilful, efficient and humane manner in which the High Commissioner carried out his duties had come to be regarded as characteristic of his Office's work. Recalling the fact that the resolution establishing that Office had been adopted with somewhat less than overwhelming support, he observed that the High Commissioner's performance over the years had inspired confidence and removed many doubts.
10. In Chile, the Office of the High Commissioner was performing a useful humanitarian task. The New Zealand Government had responded to the High Commissioner's appeal for offers of permanent resettlement opportunities, and hoped that all countries would support the High Commissioner's efforts in Chile.
11. Mr. SÖYLEMEZ (Turkey) commended the High Commissioner for his lucid and detailed analysis and for his work in finding solutions to the problems of millions of refugees throughout the world. He welcomed the fact that, in the Sudan, 150,000 people had returned to their homes with the help of UNHCR. Also commendable were the efforts undertaken to assist Uganda Asians of undertermined nationality and to promote the movement of refugees between Bangladesh and Pakistan.
12. His delegation commended the excellent report of the High Commissioner to the Committee for unanimous approval. He was more than confident that the General Assembly would provide for the continuation of the High Commissioner in his post for another term. His delegation fully supported draft resolution A/C.3/L.2080.
13. Miss CAO PINNA (Italy) noted that the report of the High Commissioner gave rise to concern, in that the refugee problem showed no sign of lessening; at the same time, the report gave cause for satisfaction, since it indicated that all possible efforts within the High Commissioner's mandate were being made to alleviate and, where possible, solve the problems faced by refugees. Her delegation was encouraged by the effective intervention of the High Commissioner in repatriating a large number of refugees between Bangladesh and Pakistan, repatriating hundreds of thousands of ref-

ugees to the Sudan and assisting thousands of Uganda Asians of underdetermined nationality.

14. The High Commissioner deserved special appreciation and support for his timely and efficient action in dealing with the tragic new situation in Chile. Italy would do its fair share in response to the appeal for the resettlement of refugees from Chile. In addition, she wished to join previous speakers in expressing the hope that the Chilean authorities would extend full co-operation to the High Commissioner.

15. Reiterating Italy's support of the work of the High Commissioner, she said that Italy's long experience as a first-asylum country had led it to urge, in its preliminary comments on the desirability of concluding an international convention on territorial asylum, that a better balance should be ensured in the financial and administrative burden spread between first-asylum countries and others. However, the comments Italy had made did not indicate a lessening of its desire to reach, through a convention, a better and more uniform solution of the current refugee problem.

16. Mr. OUATTAVA (Organization of African Unity), speaking at the invitation of the Chairman, said that the problem of African refugees, with which OAU had been dealing since its inception, was caused principally by the continued existence of colonial and racist régimes in southern Africa. In 1964, OAU had established a special committee to deal with the refugee problem, whose work had culminated in the adoption of the Convention Governing the Specific Aspects of Refugee Problems in Africa. In addition, the Conference on the Legal, Economic and Social Aspects of African Refugee Problems, held at Addis Ababa from 9 to 18 October 1967, had produced positive conclusions and specific recommendations, including the establishment, within the general secretariat of OAU, of a Bureau for the Placement and Education of African Refugees. As a result of the Bureau's work, many refugees had obtained jobs or training opportunities.

17. Nevertheless, the number of refugees was continually increasing. Despite the efforts of OAU and the international community, African refugees now numbered more than 1 million. It was clear from the High Commissioner's report that the refugee problem was at its most acute in Africa, and that Africa needed increased assistance to deal with it.

18. The progress which the Bureau had so far achieved was due in no small part to co-operation with non-governmental organizations, the specialized agencies and, especially, the Office of the High Commissioner. His organization sincerely hoped that the High Commissioner would be able to continue his humanitarian efforts.

19. Mr. MUSAFIRI (Zaire) recalled the appeal made to all Governments to provide full support to the task of the High Commissioner. His country had responded to that appeal and had offered shelter to many refugees, especially the victims of colonialism and racism. The total number of refugees cited in paragraph 109 of the High Commissioner's report had already been exceeded, and Zaire now sheltered 626,000 refugees from Angola alone. The authorities sought jobs for adult refugees and school places for children, who were, as far as possible, instructed in their mother tongue. Furthermore, an official body had recently been set up

to provide refugees with a reception service, food and clothing, medical care, working tools and other appropriate facilities. That body was under the authority of the President of the Republic and its Conseil supérieur included, in addition to outstanding Zairians, representatives of philanthropic organizations, such agencies as UNHCR, UNICEF and FAO and the Agency for International Development. Continued assistance from the international community was essential if the Zairian Government was to be able to carry on its efforts on behalf of refugees.

20. The refugee problem could not be solved satisfactorily as long as the colonialist coalition of South Africa, Rhodesia, Portugal and other like-minded régimes persisted. Urgent action against them was essential in order to ensure the liberation of all of Africa. Meanwhile, Zaire would support all fighters in the liberation movements until the time of final victory.

21. Each independent State should establish political conditions promoting national unity on the broadest possible scale. Zaire had itself established such conditions by uniting all citizens within the Popular Revolutionary Movement and offering amnesty to all those who had sought refuge outside the country.

22. His delegation earnestly hoped that draft resolution A/C.3/L.2080, of which his delegation was a sponsor, would be adopted unanimously.

23. Mrs. SELLAMI (Algeria) said that the High Commissioner's report indicated the quality, efficiency and scope of the work being done in Africa and Asia to assist refugees. Her delegation had become a sponsor of draft resolution A/C.3/L.2080 in order to pay a tribute to those efforts.

24. Mr. PAPADEMAS (Cyprus) observed that the problems of refugees, far from lessening, were increasing with every year. The High Commissioner's report indicated both the scope of the problem itself and the measures which were needed to remedy a situation in which nearly 2 million people found themselves without homes or hope for the future. The efforts of the High Commissioner, a purely humanitarian aspect of the United Nations activities, merited full support from all countries. His delegation had joined in sponsoring the draft resolution before the Committee in order to show its support for those efforts and its hope that the High Commissioner would be able to continue his work on behalf of refugees for years to come.

25. Mr. BIRBAUM (Austria) said that the satisfaction that could be derived from the excellence of the High Commissioner's work, as reflected in the report, could not and should not override a sense of sadness at the tragic fate of hundreds of thousands of refugees. All States had a primary responsibility to maintain and guarantee fundamental rights and freedoms for everyone, and his delegation felt that the implementation machinery of the International Convention on the Elimination of All Forms of Racial Discrimination and the increasing acceptance of the International Covenants on Human Rights were steps in the right direction.

26. The response from Member States to the High Commissioner's appeals for co-operation were most encouraging. His country fully supported the view, set out in paragraph 7 of the report, that a liberal asylum policy should be followed in respect of refugees. The report also rightly stressed that the question of the

granting of nationality was an important one. His country applied the 1961 Convention on the Reduction of Statelessness and would like to see more countries become parties to that Convention. His delegation also believed that full access to the labour market and social security were decisive elements in easing the individual refugee's situation.

27. His country was deeply concerned at the situation which had arisen following the emergence of a new régime in Chile. Austria had already given shelter to a number of refugees from Chile and would continue to do so as long as circumstances so required. It was Austria's firm hope that the Chilean Government would honour its international obligations and fully comply with international standards in the field of human rights, so that the situation in Chile would be tolerable for people living under that Government's jurisdiction.

28. During the period covered by the report and also during 1973, Austria had continued to receive refugees and to provide assistance to the High Commissioner. It was against that background that his delegation had become a sponsor of draft resolution A/C.3/L.2080, and wished to commend it for the broadest possible support in the Committee.

29. Mrs. HYERA (United Republic of Tanzania) congratulated the United Nations High Commissioner for Refugees and his staff on the success they had achieved in their efforts to assist refugees. Despite those efforts and the results achieved, however, the refugee problem in many parts of the world was still very serious and complex and would probably not be solved for a long time.

30. Her delegation firmly believed that as long as situations such as those in the Non-Self-Governing Territories of Africa persisted the exodus of refugees would continue. In that connexion, she pointed out that whereas in 1972 there had been 71,000 refugees in her country, the figure for 1973 was 98,000. That was an appalling situation in view of the fact that each refugee was a human being in distress who needed help to survive. Refugees from Mozambique were her country's greatest concern. Refugees from other countries had been returning home and it was to be hoped that they would continue to do so once their Governments had given assurances concerning their safety. Each year, however, there were new arrivals from Mozambique who were fleeing from the exploitation, brutalities and mass killings of the Portuguese colonialist régime. Her delegation assured the Portuguese delegation that, despite any protests by the Portuguese Government, it would hold Portugal's colonial policies in the contempt they deserved as long as the mass exodus into the United Republic of Tanzania of the indigenous people of Mozambique continued.

31. Her delegation paid a tribute to all Governments, non-governmental organizations and private individuals who were contributing in cash and in kind to Governments which needed help and to the Office of the High Commissioner for Refugees. The Government of her country would continue to co-operate with the High Commissioner, as it had always done. It welcomed the opportunity to join in sponsoring draft resolution A/C.3/L.2080 and hoped that it would be adopted unanimously by the Committee and by the General Assembly.

32. Mr. VALDERRAMA (Philippines) said that the introduction of the High Commissioner for Refugees to his report had been characterized by a sense of great probity and reflected the High Commissioner's dedication to his task. His delegation agreed with the High Commissioner that the Universal Declaration of Human Rights applied as much to refugees as to other people who might need the assistance and protection of the United Nations and was impressed with the competent and efficient manner in which the Office of the High Commissioner had fulfilled its responsibilities on behalf of tens of thousands of refugees in Africa, Latin America and Asia. The success of the High Commissioner's work was exemplified by the massive operations in the Sudan and the airlift operations on the South Asian subcontinent.

33. His delegation sincerely hoped that refugee problems, especially those in colonial Territories, such as Angola, Mozambique and Guinea-Bissau, would not long elude a permanent solution. The continued support of Member States for the work of UNHCR should help to expedite such a solution. His Government had provided and was continuing to provide assistance to refugees and continued to support the humanitarian efforts of UNHCR and UNRWA. To that end, it had pledged cash contributions to both of those agencies. However modest those contributions might be, they reflected his Government's concern for the plight of refugees. Moreover, in a spirit of goodwill and friendship, the Philippines had provided bilateral humanitarian assistance to the Governments of Pakistan and Bangladesh.

34. His delegation joined the High Commissioner in urging the international community to provide safe havens for refugees and looked forward to the High Commissioner's report on the results of his consultations with Governments concerning the draft convention on territorial asylum.¹ His Government's views on the draft convention were contained in the second addendum to the report of the High Commissioner for Refugees.

35. His delegation fully supported draft resolution A/C.3/L.2080, as well as the amendment contained in document A/C.3/L.2084.

36. Mr. KABINGA (Zambia) said that the comprehensive report of the United Nations High Commissioner for Refugees would provide a very good basis for further action for the benefit of refugees throughout the world. The problem of refugees was a matter of great importance to Zambia's domestic and foreign policy makers. In the preceding two years, the increase in the number of refugees in Zambia had raised a number of new problems relating to the provision of food, accommodation and education. In October 1973 it had been estimated that the number of refugees in Zambia had risen to 33,000 and in one camp alone there were as many as 7,500 refugees. The Zambian people and Government had done and were continuing to do whatever they could to alleviate the problems of those refugees, both in co-operation with the Office of the High Commissioner and with other Governments and some international organizations and also within the framework of the Zambian Government's own policies. The Zambian Government was a party to the 1951

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 12*, appendix, annex I.

Convention Relating to the Status of Refugees and to the 1967 Protocol. He pointed out in that connexion the reference in the report of the High Commissioner to the fact that, in some resettlement matters, the High Commissioner's work complemented the work of the Zambian Government.

37. His delegation recognized and appreciated the importance of the humanitarian element involved in the problem of refugees, as well as the political neutrality that the High Commissioner maintained. His Government also appreciated the contributions which Member States were making in order to mitigate the effects of injustice in the world. It could not, however, share the enthusiastic belief of some members of the Committee that certain Governments were doing a great deal to eliminate refugee problems when, in fact, the activities of those Governments were contributing directly and indirectly to the continuation of the injustice which was the root cause of the refugee problem in some parts of the world. The High Commissioner had taken that factor into account when he had mentioned racial equality, political and religious tolerance and minority rights as examples of basic solutions to the problem of refugees. In his delegation's opinion, racial equality meant not only the elimination of oppressive racist minority régimes, but also the elimination of negative manifestations of any form of racial prejudice in countries where racism might appear to have been legally outlawed, but where the enforcement of the law left much to be desired. It also hoped that the concept of religious tolerance covered the duties and rights of those who enjoyed the benefits accorded to citizens of any State. It hoped that the Committee, when referring to minority rights, would take both majority rights and minority obligations into consideration.

38. In considering current refugee problems, his delegation was more and more convinced that it was futile for the international community to continue to supply blankets to refugees when some of the States which supplied blankets were also supplying the guns which were driving thousands of people from their countries. Most of the refugees in his country were victims of Portuguese and British colonialism and of oppression by the racist minority in South Africa. Moreover, peoples' homes were being destroyed in South-East Asia, the South Asian subcontinent, the Middle East and elsewhere and the recent tragedy in Chile demonstrated the insincerity of the words of those who spoke for the humanitarian cause when, in fact, they had been instrumental in creating that tragedy for imperialist purposes.

39. His delegation would vote in favour of draft resolution A/C.3/L.2080, although it had some misgivings about the fourth preambular paragraph and operative paragraph 3. While it recognized the importance of voluntary repatriation, it strongly disagreed that it could provide a permanent solution to the problem of refugees. Moreover, it had some serious implications for areas where minority régimes were trying to establish white settler States. His delegation could not accept the fourth preambular paragraph and operative paragraph 3 because it knew that, as long as colonial Portugal continued to oppress the people of Angola and Mozambique and continued to receive material, moral and political assistance from the United States and certain Powers in the North Atlantic Treaty Organiza-

tion and as long as the South African minority régime continued to oppress the majority in South Africa and to occupy Namibia, there could be no solution to the problem of refugees in southern Africa. Similarly, as long as the Palestinian people were denied their birth-right, there could be no permanent solution to the problem of refugees in the Middle East. The same could be said of peoples in Chile, the South Asian subcontinent, other parts of Asia and elsewhere.

40. Mrs. ESHEL (Israel) said that it had been a source of satisfaction to her delegation to hear the introductory statement of the United Nations High Commissioner for Refugees (2038th meeting) and to read his report. As a member of the Executive Committee of the High Commissioner's Programme, Israel had had the opportunity to express its views and offer suggestions in support of the High Commissioner's work. It greatly appreciated the High Commissioner's devotion to the cause of refugees and the efficient manner in which he and his staff had carried out their tasks. The key to his remarkable success was no doubt that his actions were guided solely by humanitarian considerations and that he had kept his organization neutral and above political strife and disagreement.

41. That achievement was all the more laudable in view of the fact that all situations giving rise to refugee problems were rooted in political tensions and armed conflict. Thus, instead of a reduction in the High Commissioner's activities, a goal he himself was tirelessly seeking, there had been an ever-growing number of refugees and emergency situations which had required swift relief action and patient, persistent and diplomatic negotiations in order to bring about long-term solutions. Regrettably, the mandate of the High Commissioner would have to continue as long as unforeseen and unforeseeable political crises created new human disasters. In that connexion, she observed that the flexibility of the approach adopted by the High Commissioner had been made possible by the broadening of his mandate and had been justified during the situations which had arisen in 1972, whether they involved emergency relief, assistance in rehabilitation, voluntary repatriation, integration in countries of asylum, resettlement in other countries or legal protection. Her delegation was glad to note that, although the financial resources at the disposal of the High Commissioner were far from adequate when compared to the magnitude of the problems involved, the High Commissioner had, through closer co-operation with other United Nations agencies, non-governmental agencies and Governments, mobilized additional resources in support of his Programme.

42. With regard to the various international instruments for the legal protection of refugees, Israel had ratified the 1951 Convention Relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons and had acceded to the 1967 Protocol relating to the Status of Refugees. Her delegation shared the apprehensions expressed by the High Commissioner in his report that mere statistics of participation in those international instruments would be academic if they were not combined with practical and adequate implementation. In the Executive Committee of the High Commissioner's Programme, the representative of Israel had raised the question of whether the time had not come for a new approach in which many other

related disciplines, in addition to law and public administration, could be associated with that endeavour. The social sciences could be instrumental in ensuring the practical acceptance of the measures necessary in each society to bring about the translation of words and ideals into action. Her delegation was of the opinion that a study on that matter might lead to the more meaningful fulfilment of international humanitarian obligations.

43. Her Government had forwarded to the High Commissioner its observations (see A/9012/Add.2) concerning a convention on territorial asylum. It had some reservations on that complex subject, which it considered to be closely related to the question of extradition. Although an exchange of views on that matter in an international conference might be useful, her delegation felt strongly that consideration of the implementation of existing conventions should be given high priority.

44. Her delegation announced that its pledge to the Office of the High Commissioner for Refugees, which had been increased the preceding year to \$10,000 in appreciation of his work, would be repeated. Moreover, her delegation would vote in favour of draft resolution A/C.3/L.2080.

45. Mr. EL-FATTAL (Syrian Arab Republic) said that the report of the High Commissioner for Refugees illustrated the fragility of the link between man and his homeland. It was most unfortunate that the refugee problem was not diminishing and that the number of refugees of concern to UNHCR was, in fact, on the increase, particularly in Africa. Moreover, the causes of expatriation were becoming more complex. It was therefore essential for the international community to give greater support to the work of the High Commissioner, both by eliminating the causes of the problem of refugees and by offering the High Commissioner moral and material assistance. The work of the High Commissioner certainly deserved such assistance and support because it was based on the right of refugees as individuals or national groups to be repatriated to their countries of origin and on the principle that voluntary repatriation was the most humane and practicable solution to refugee problems, as had been amply demonstrated in the preceding few years.

46. The regional approach adopted by UNHCR had proven to be effective, but regionalism should in no way detract from the need for international action, particularly when masses of people were becoming refugees because of colonialist policies and practices. In that connexion, the Syrian Arab Republic condemned the racist and colonialist régimes of Portugal and South Africa, which were responsible for creating refugee problems in southern African countries. The problems of those refugees, who should be given every opportunity to return to their countries, should remain a priority concern of the entire international community.

47. With regard to the draft convention on territorial asylum, on which the High Commissioner had asked for observations, his delegation was of the opinion that the right of asylum was a sacred right which had been recognized since time immemorial and that the law of asylum should be further developed and codified in a convention. There was, however, a tendency to confuse the concepts of the status of refugees and the status of emigrants. The status of a refugee was imposed on an

individual, while the status of an emigrant was voluntarily assumed. Safeguard clauses should be included in any draft articles on territorial asylum in order to prevent any interpretation which might enable certain régimes to exploit the individual's right to asylum or to create situations which might lead to mass emigration. An international convention should also contain safeguards protecting the sovereignty of States, as well as the rights of people who might be affected by massive territorial asylum. Thus, care should be taken to prevent settler colonialism from flourishing under the guise of territorial asylum.

48. With regard to the statement made by the representative of Sweden at the preceding meeting, in which attention had been drawn to the use by Chilean authorities of physical force against the Swedish Ambassador to Chile, his delegation supported the request made by the representative of Sweden and hoped that the problems of the many refugees under the protection of embassies in Santiago would soon be solved so that the persons in question could begin to lead a normal life again.

49. His delegation supported draft resolution A/C.3/L.2080 and regretted that it could not sponsor that draft resolution because the Syrian Arab Republic had not yet ratified the Conventions to which it referred. The Syrian Arab Republic also regretted that it had not yet been able to contribute to the Programme of the United Nations High Commissioner for Refugees, but that was because it was already dealing with the problems of more than 300,000 refugees or displaced persons on its own territory.

50. Mr. PETROPOULOS (Greece) said that his delegation too wished to express appreciation of the valuable work done by the Office of the High Commissioner for Refugees in the preceding year. The High Commissioner and his staff were actively involved in carrying out humanitarian tasks for the relief of large numbers of human beings. The tangible results of such activities in the Sudan, Pakistan and Uganda showed how important the Office of the High Commissioner was. The new and serious situations which the High Commissioner had been called upon to meet in 1972 had been handled in the most effective manner and with the co-operation of other United Nations agencies. The co-ordinating function which the High Commissioner had assumed had been crucial for the success of those operations and had provided a framework for the mobilization of the resources available within the United Nations system for dealing with emergency situations.

51. His delegation was pleased to note that the regular programme of the High Commissioner was still being implemented despite emergency situations in Africa. Greece contributed annually to the regular programme and co-operated with the Office of the High Commissioner in Athens. Greece was a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol and was considering the possibility of acceding to the 1954 Convention on the Status of Stateless Persons.

52. His delegation wished to be included among the sponsors of draft resolution A/C.3/L.2080 and hoped that the mandate of the High Commissioner would be extended so that the international community might continue to benefit from his dedication to his humanitarian tasks.

53. Mrs. BERTRAND DE BROMLEY (Honduras) said that reading the introduction to the report of the High Commissioner for Refugees was always an edifying experience which gave the Committee an opportunity to see that its human rights ideals were actually being achieved. The report of the High Commissioner reflected his profound dedication and the fact that, although he was dealing with thousands of persons, he never lost sight of the individual and the individual's needs and aspirations as a human being. Her delegation wished the High Commissioner and his staff every success in 1974 and was glad to join the sponsors of draft resolution A/C.3/L.2080, which it hoped would be adopted unanimously.

54. Miss FAROUK (Tunisia) said that her delegation fully supported the excellent work being done by the High Commissioner for Refugees and his staff with a view to providing a permanent solution to the problem of refugees and strengthening international protection for them.

55. The measures taken by the High Commissioner in the preceding three years to meet unprecedented problems had led to the voluntary repatriation of an impressive number of Sudanese, Bangladesh and Pakistan refugees. The success achieved in repatriation and rehabilitation as a result of the Addis Ababa and New Delhi Agreements showed that the Office of the High Commissioner was fully capable of carrying out the emergency operations entrusted to it by the General Assembly. In the case of the situation which had recently arisen in Latin America, the High Commissioner was faced with what might be called the symptoms of the refugee problem. New political situations inevitably created some upheavals. In the case of refugees from Non-Self-Governing Territories, her delegation considered that the only permanent solution was self-determination or, in other words, the elimination of the root causes of the problem.

56. With regard to the international protection of refugees, which required the implementation and strengthening of international humanitarian laws for refugees and persons in similar situations, she recalled that Tunisia had acceded to the 1951 Convention Relating to the Status of Refugees and had been one of the sponsors of the Declaration on Territorial Asylum adopted by the General Assembly in resolution 2312 (XXII).

57. She hoped that draft resolution A/C.3/L.2080, of which Tunisia was a sponsor, would be unanimously adopted by the Committee because it recognized the effectiveness with which the High Commissioner and his staff were carrying out their humanitarian tasks and recommended that the necessary resources should continue to be made available to them for that purpose.

58. Mr. ALARCON (Cuba) said that his delegation had taken note of the report of the United Nations High Commissioner for Refugees and was grateful for the efforts made by the High Commissioner in 1973 to perform his humanitarian task in the interests of thousands of persons. As shown in the report, the problem of refugees was closely linked to current political realities with which the General Assembly and the United Nations system were trying to deal, such as the tragedy of thousands of Africans who had been expelled from their homelands by colonialism and that of the Palestinians and other Arab nationals who had been

uprooted in the Middle East as a result of the Zionist aggression. Those problems showed that it was necessary to make greater efforts to find political solutions to the problems of refugees. In 1973, as a result of new political situations, the Office of the High Commissioner had had to expand its operations in order to safeguard the rights of peoples in Africa and the Middle East.

59. The brutal attack against the Swedish Ambassador to Chile, which had been mentioned by several delegations at the previous meeting, was only one more consequence of the recent military takeover in Chile. The new régime had unleashed a fierce campaign against all foreigners from which not even international officials or scholarship holders had escaped. The tortures to which the foreign refugees had been subjected—some had even been put to death—had made it necessary for the United Nations High Commissioner for Refugees to carry out the tasks he had mentioned at the previous meeting. Many Governments, including the Cuban Government, had willingly co-operated with the High Commissioner. The situation in Chile had made it extremely difficult for diplomats in Santiago to perform their most elementary duties. The brutal attack against the Swedish Ambassador was a perfect example of the political climate that prevailed in a country under Fascist rule. The attack was an indication of what Pinochet's henchmen thought of human rights, of conventions on diplomatic asylum and of the rules of peaceful relations among nations.

60. When his own delegation had denounced the attack against the Cuban Embassy immediately following the Fascist coup of 11 September, it had pointed out that such provocations and threats were not directed exclusively against the Cuban Embassy but were also aimed at other diplomatic missions in Santiago. That charge had been borne out by the most recent events.

61. The unheard of and barbarous attacks against Ambassador Edelstam and his staff were not, however, an isolated event; they were part of a well-thought-out plan being put into effect by the Fascist *junta*. The reason the Fascist tyranny continued its gross violations of diplomatic rights and conventions on asylum was that it could not forgive Ambassador Edelstam for his courageous work in protecting human rights and his noble efforts on behalf of the thousands of foreign refugees whom it was persecuting in the most merciless fashion. The Fascist *junta's* designs against the Swedish Ambassador had begun to be evident at the beginning of November, when army troops had surrounded the building formerly occupied by the Cuban Embassy and currently under the protection of the Swedish Embassy. The troops had arrested persons entering or leaving the building and searched the diplomatic vehicles belonging to the Swedish Embassy. An example of the campaign being carried out by the reactionary Chilean press was issue No. 1998 of the magazine *Ercilla*, for the week of 14-20 November, which stated that Ambassador Edelstam had overstepped the boundaries of diplomacy.

62. It was the Chilean régime, rather, which had overstepped all boundaries in perpetrating the most serious crimes against humanity and the most gross violations of international law. The new régime established in Chile had made a mockery of all the principles of humanity and it was essential to mobilize international

public opinion to action against the barbarous rule imposed on the Chilean people. The High Commissioner for Refugees had carried out a commendable task in trying to save lives, rescue the persecuted, and persuade the lackeys of the Fascist régime at least partially to respect the rules that were recognized by all States. The United Nations should support his efforts and should energetically demand respect for the most fundamental norms of civilization. It should take urgent measures to withdraw its offices and representatives from Chile, where they no longer enjoyed minimum guarantees.

63. Member States, for their part, should raise their voices to unmask the executioners and express their militant solidarity with the freedom fighters who were resisting the onslaught of Yankee imperialism and reaction. The reason the Fascist régime was continuing its orgy of repression two months after its treacherous coup was that it still feared popular resistance, which was growing. The Chilean people—workers, peasants and students—who had inherited deep-rooted anti-imperialist and democratic traditions, would hand down their verdict sooner than their oppressors expected. They were inspired by the glorious example of their martyr President, Salvador Allende, who had become an eternal standard-bearer for the opponents of fascism. In order to bring that day of glory closer to hand, however, the international community must express its solidarity with the Chilean people. It must ensure that Fascists could not act with impunity anywhere in the world. They must be cast out from the civilized world, to which they did not belong.

64. Mr. BAZAN (Chile) said he would first address himself to the comments made by some delegations that were sincerely concerned with the problems of refugees and then would turn to the latest diatribe by the Cuban delegation.

65. To begin with, he wished to make it clear that Chile had always opened its doors to refugees. He was concerned by the frequent references that had been made to the "refugees of Chile", which gave an erroneous impression; the correct expression would be the "refugees who betrayed Chile". The refugees in question were individuals who had been expelled from their countries of origin and had been received in Chile as refugees. As such, they were under the obligation not to intervene in the domestic politics of the country. Yet they had not only intervened but had incited Chileans to violence and on occasion even participated in the assassination of Chilean citizens. The Government of Chile had exercised its right and its duty to preserve public order by bringing some of the traitorous refugees to justice and expelling others.

66. He was concerned because several delegations of serious and responsible Governments had referred to the question in critical terms without ever mentioning the reasons for the Chilean Government's action, namely, the betrayal by the refugees in question of their duty not to interfere in the internal affairs of the country. The approach was erroneous and could have serious implications for the future work of the High Commissioner. If the Committee chose to disregard the faults of refugees and to speak only of protecting them, all refugees without distinction would have a special status and would be free to subvert law and order with impunity. If the Committee showed no understanding

for Governments that found it necessary to take measures against refugees who did not obey the law, those Governments would become overly cautious and be reluctant to co-operate in admitting further refugees. If the misunderstanding about the refugees who had betrayed Chile was not clarified, a dangerous precedent would be set which might create obstacles to the future work of the High Commissioner.

67. Chile, which had ratified the 1951 Convention and 1967 Protocol relating to the status of refugees, had always opened its doors to refugees. Until a few years earlier, all the refugees it had received had responded to its hospitality by fully complying with their obligation not to intervene in domestic politics. Most of those who had arrived in the preceding few years had acted likewise; however, a minority of the recent refugees had engaged in seditious activities. Article 2 of the Convention Relating to the Status of Refugees required them to conform to the laws of the country in which they found themselves and article 15 precluded them from associating for political purposes. Under article 2, therefore, they were subject to Chilean law, which prohibited them from any participation in domestic politics.

68. During the preceding three years, however, certain refugees, in collusion with the Unidad Popular Government and under the training of Castroite experts, had trained guerrillas, engaged in sabotage, planned and directed take-overs of private property, fostered insubordination among military personnel and engaged in other subversive activities. The fact that they had been tolerated by the Unidad Popular Government did not justify their activities, which had already aroused concern among the international community. On 11 September, when an end had been put to the official collusion with those subversive refugees, the people of Chile had demanded that they should be called to account for their crimes. There was no xenophobia in Chile, but merely indignation at the conspiracy and intervention of which those particular foreigners were guilty.

69. As was its right under article 2 of the Convention relating to the Status of Refugees, the Chilean Government had arrested the persons in question pending investigation of their alleged crimes. The United Nations High Commissioner for Refugees had at that time telephoned the Chilean Minister for Foreign Affairs to express his concern for the well-being of the refugees. The Minister had assured the High Commissioner that the Chilean Government would respect the Convention Relating to the Status of Refugees. That promise had been kept. As a result of the investigation, a large number of the refugees had been found innocent; they had been assured that their situation would be normalized and they would be given every guarantee. Of those who had been found guilty, some were being prosecuted and some expelled. Those who were being prosecuted would have the right to defend themselves and several groups of lawyers in Chile had already offered their assistance, as had the Bar Association. The decision to prosecute them was the act of a sovereign Government and was not subject to control or supervision by any foreign Government. Any such attempt by a foreign Government would be a violation of Article 2 of the Charter of the United Nations.

70. Under article 33 of the Convention Relating to the Status of Refugees, the security of a country was placed above the individual safety of a refugee whom there were reasonable grounds for regarding as a danger to the security of the country in which he was or who constituted a danger to the community of that country. In the case of the refugees that Chile had decided to expel, it could have done so without regard for their lives or freedom. Instead, however, the Chilean Government had given each refugee an opportunity to choose the country to which he wished to go. The falsity of the claim that Chile had returned Bolivian refugees to Bolivia had been established by the High Commissioner. The Chilean Government had given the expelled refugees every guarantee during their journey, affording them the security and protection they themselves had tried to destroy in their host country.

71. As far as the Castroite diatribe was concerned, it was indeed regrettable that the Cuban representative should waste the Committee's time with such political statements which were entirely out of place in the debate on a non-political item such as the question of refugees. Although he was reluctant to take up even more of the Committee's time, he had no alternative but to reply. The Cuban Government, while professing concern for refugees, was really concerned only with the political advantage it might obtain from the issue. The Cuban Government did not protect refugees at all; it created them and had been doing so, persecuting its own nationals, over the preceding 13 years. According to the report of the High Commissioner, there were in Spain alone some 7,700 refugees from the Caribbean

area, and 25,000 more were awaiting emigration opportunities. Most of those refugees were, of course, Cuban.

72. Not only was the Government of Cuba adding to the total number of refugees in the world but, moved by its expansionist and neo-colonialist ambitions, it had tried to land subversive elements in Venezuela and to promote a military occupation of Bolivia. Having failed on those occasions, it had then tried to carry out a plan to divide the Chilean people. As a result of the persecution and arbitrary measures carried out in Chile with the encouragement of the Cuban Government, thousands of Chileans had had to abandon the country, including members of his own family. The paradox, under the current situation, was that those who had engaged in such activities in Chile and had chosen to be sent, upon expulsion, to Cuba, appeared also to be undesirable to the Castro Government, which had not replied to any of their requests. Such insensitivity certainly showed that Cuba had no moral authority to speak of refugees.

73. Mr. GRAEFRATH (German Democratic Republic) moved the adjournment of the meeting under rule 120 of the rules of procedure of the General Assembly.

74. The CHAIRMAN put the motion to adjourn the meeting to the vote.

The motion was approved by 39 votes to 8, with 42 abstentions.

The meeting rose at 1.15 p.m.

2040th meeting

Tuesday, 27 November 1973, at 3.10 p.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2040

AGENDA ITEM 67

Report of the United Nations High Commissioner for Refugees (concluded) (A/9003 and Corr.1, chap. XXIV, sect. C; A/9012 and Corr.1 and Add.1 and 2, A/C.3/L.2080, A/C.3/L.2084)

1. Mr. BAZAN (Chile) recalled that, at the previous meeting, he had shown that the Castroites were morally disqualified from participating in the debate on refugees. The Cuban régime had not ratified the Convention Relating to the Status of Refugees or the Protocol. That meant that the Cuban régime had never been prepared to assume any obligations towards refugees and that, so long as the despots held power, Cuba's doors would remain closed to incoming refugees although they remained open for outgoing Cuban refugees. The shabby Castroite attitude towards the plight of the refugees was further confirmed and aggravated by another fact: the régime installed in Cuba did not contribute a cent to UNHCR programmes. Cuba was not among the countries listed on pages 48 to 54 of the High Commissioner's report (A/9012 and Corr.1) as contributing to the various programmes. The reason

was that the existing régime in Cuba had not wished to contribute towards helping refugees abroad, any more than it had wished to grant refuge to any in its own territory.

2. Cuba's intervention in the debate had not been constructive. It had introduced an element of political hatred which had no place in the Third Committee, a body dedicated solely to humanitarian questions. It was quite extraordinary that the representative of the régime with the reputation of being the leading exporter of refugees in modern times should make accusations against Chile, which had received tens of thousands of refugees and would continue to receive them, because it was a free and open country where the sense of human brotherhood had not been lost.

3. Mr. NKUNDABAGENZI (Rwanda) joined previous speakers in commending the United Nations High Commissioner for Refugees for his excellent report (A/9012 and Corr.1 and Add.1 and 2), which revealed the enormous amount of work done to help persons who were suffering because of their race, religion or political opinions or because of their struggle against *apartheid*. Individuals should be viewed as human be-