

developed and codified into a convention, great care should be taken so as not to confuse the concepts of the status of refugees and that of immigrants. Such a convention should avoid any interpretation which might allow certain States to exploit the individual's right to asylum, or creating situations which might lead to mass immigrations or settler colonialism under the pretext of territorial asylum.

51. Her delegation paid tribute to all those Governments, non-governmental organizations and private individuals who had contributed in cash or kind to alleviate the plight of the refugees. Owing to such help, the Government of the United Republic of Tanzania was able to build schools, staff quarters, medical centres, workshops and other refugee installations when the need arose during the past year. However, it was the policy of the Government of the United Republic of Tanzania that all refugees should practise self-reliance, so that they could regain the pride and sense of responsibility which, unfortunately, many of them lost as a result of their situation.

52. In conclusion, as one of the sponsors, her delegation expressed the hope that draft resolution A/C.3/L.2136 would be unanimously adopted.

53. Mr. RAZA (Pakistan), on behalf of his Government, commended the High Commissioner on his work, especially that connected with the moving of refugees from Bangladesh to Pakistan and vice versa. Those operations had helped to facilitate the normalization of relations between both countries and represented a model of co-ordinated

international action. His thanks were also addressed to the Governments which had helped to carry out those operations. As a result of that co-operation, the atmosphere in the Asian subcontinent had improved, and it was to be hoped that an era of understanding between Pakistan, India and Bangladesh would soon begin.

54. In his statement, the representative of Bangladesh had raised the question of persons in his country who were waiting to be repatriated to Pakistan. His delegation reserved its right to give a detailed reply to that question. The Government of Pakistan wished to settle all the pending problems between the two countries through bilateral negotiations. However, he pointed out that the 400,000 persons about whose repatriation the representative of Bangladesh showed so much concern were nationals of Bangladesh, not of Pakistan.

55. Mr. NAFFAH (Lebanon) announced that his country would support draft resolution A/C.3/L.2136 and was in favour of the drafting of a convention on territorial asylum.

56. The CHAIRMAN said that Yugoslavia was one of the original sponsors of draft resolution A/C.3/L.2136, although it had by mistake been omitted from the list of sponsors. She also announced that Guatemala, Guinea, Madagascar, Nicaragua and the United States of America had become sponsors of the draft resolution.

The meeting rose at 1 p.m.

2099th meeting

Tuesday, 26 November 1974, at 10.50 a.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2099

Tribute to the memory of U Thant, former Secretary-General of the United Nations

1. The CHAIRMAN, speaking on behalf of the Committee and for herself, expressed her sympathy to the delegation of the Socialist Republic of the Union of Burma on the death of U Thant and asked the representative of that country to convey her sympathy to the family of the deceased and to the Burmese Government.

On the proposal of the Chairman, the Committee observed a minute of silence as a tribute to the memory of U Thant, former Secretary-General of the United Nations.

2. Prince Sadruddin AGA KHAN (United Nations High Commissioner for Refugees), Mr. NOTHOMB (Belgium), Mrs. SELLAMI (Algeria), Mr. TUEK (Austria), Mr. JAHN (Federal Republic of Germany), Mr. CATO (Ghana), Mr. STÄHL (Sweden), Mr. POEDJIOETOMO (Indonesia), Reverend Father HRICO (Observer of the Holy See), Mrs. DE BARISH (Costa Rica), Mr. PARTHASARATHY (India), Mr. WIJESINGHE (Sri Lanka), Mrs. BAILOR (Sierra Leone), Mr. THEODORACOPOULOS (Greece),

Mr. RAZA (Pakistan), Mr. WILSON (Liberia), Mr. DE AZAMBUJA (Brazil) and Mrs. MOHAMMED (Nigeria) expressed condolences on the death of U Thant.

3. U SOE MYINT (Burma) said that he was sincerely grateful for the expressions of condolence on the death of U Thant and that he would not fail to convey them to the family of the deceased.

AGENDA ITEM 59

Report of the United Nations High Commissioner for Refugees (continued) (A/9603, chapter I, chapter III, section F; A/9612 and Corr.1 and Add.1-3, A/C.3/L.2136, 2139)

4. Mr. NOTHOMB (Belgium) said that the report of the United Nations High Commissioner for Refugees (A/9612 and Corr.1 and Add.1-3) and the High Commissioner's statement at the previous meeting, full of clarity, inordination and dedication to mankind, served as a reminder that the problem of refugees was far from being solved and that the work of the High Commissioner would be essential for a

long time to come. The report contained many inspiring examples such as the operations in 1974 in Pakistan and Bangladesh, which served as an object lesson that humanitarian action must precede political action, and the repatriation of large numbers of Sudanese refugees. A study of the report also brought out the almost universal nature of aid to refugees and the fact that many developing countries despite their economic difficulties, were among the States which had directed their efforts towards a material and moral solution of the problem.

5. In his statement to the 2244th plenary meeting of the General Assembly of 26 September 1974, the Minister of Foreign Affairs of Belgium, Mr. Renaat van Elslande, had emphasized that Belgium was always ready to share in the general effort and was endeavouring to make an effective contribution to the solution of the refugee problem. Belgium was the only country which, in the matter of human rights, had entrusted to a supranational organization powers that were within its sovereignty and had accepted since 1951 that on its territory the eligibility of refugees be decided not by Belgian officials but by the representative in Belgium of the United Nations High Commissioner for Refugees. Belgium allowed such refugees to obtain Belgian nationality after a stay of only three years. Belgium was proud of having always been, since its independence, a haven for political refugees and at the present time there were more than 30,000 political refugees in Belgium while an average of 600 new refugees settled on Belgian territory every year. Belgium was a member of the Executive Committee of the High Commissioner's Programme and did not hesitate to take in refugees of every political tendency, despite the limited size of its territory and its very dense population. In the current year, for example, Belgium had opened its gates to more than 250 Chilean refugees, or foreign refugees from Chile. It had also offered its support to the praiseworthy initiatives of the High Commissioner for the rehabilitation of handicapped refugees; the first two cases proposed by UNHCR had already been set in motion for the ratification by Belgium of the Protocol to the Hague Agreement relating to Refugee Seamen of 1957. Similar measures would shortly be taken with regard to the Berne Convention on the Reduction of Statelessness of 1973.

6. His delegation had decided to join as a sponsor of draft resolution A/C.3/L.2136, which expressed appreciation of the efforts of the High Commissioner, and he trusted that the Committee would adopt it by acclamation. The High Commissioner had stated at the previous meeting the reasons why he wholeheartedly approved operative paragraph 2 of Part A of the draft resolution and the Belgian Government believed that, as a matter of administrative convenience, the Executive Committee might set up a special sub-committee to co-operate with the High Commissioner on special humanitarian tasks. In that connexion he recalled that the Belgian representative on the Executive Committee had also been in favour of creating, within that Committee, two sub-committees. Of these, one would deal with the legal aspects of the status of refugees and the other would deal with questions of their physical needs and finance.

7. His delegation also approved the proposal (see A/9612/Add.1, para. 52) to establish a group of governmental

experts to review the text of the draft convention on territorial asylum (see A/9612/Add.3, annex) which had been prepared by a group of independent jurists. Further, he considered that the definition of a refugee in the Convention relating to the Status of Refugees of 1951 as extended by the 1967 Protocol thereto should be brought up to date because international political developments produced new categories of refugees which were difficult to include within the existing definition. He thought that the problem was not only an academic one. It was another human problem to add to those which the High Commissioner should take under permanent consideration. His delegation would support any measures that sought to revise the definition.

8. Lady GAITSKELL (United Kingdom) expressed her respect and admiration for the work of the High Commissioner and her gratitude to those African countries which had accepted refugees. The report on the activities of the High Commissioner's Office testified to the results and benefits of international co-operation. Among the most recent achievements should be mentioned the transfer by air of over 230,000 persons between Pakistan, Nepal, India and Bangladesh, an operation to which the United Kingdom had contributed, and the settlement of 4,500 Ugandan Asians of undetermined nationality, an achievement for which the United Kingdom, with its particular responsibility in relation to that human tragedy, felt especially grateful. The High Commissioner's Office faced new tasks in Chile, Cyprus and Indo-China.

9. The problem confronting the High Commissioner had political aspects and human consequences. It was the latter which should concern the Third Committee, since it was the High Commissioner who often had the task of alleviating the sufferings resulting from the Committee's inability to find means of preventing human tragedies.

10. The alleviation of the sufferings of refugees was as much a juridical question as one of good intentions. The Convention on the Elimination of Statelessness had received its sixth ratification and it could enter into force within the stipulated time-limit. Its purpose was to prevent the children of stateless refugees from themselves inheriting a condition of statelessness. Her delegation considered it important both in principle and in practice and requested all delegations to urge their Governments to study the Convention with a view to acceding to it. The Convention provided for a body to be established that could handle the claims of stateless persons. She considered that the most appropriate body would be the High Commissioner's Office, and accordingly endorsed the proposal in the Secretary-General's note on the subject which would be before the Committee when it considered agenda item 99.¹ Concerning the draft convention on territorial asylum, her delegation had already made its views known and was prepared to support the proposal to convene a group of experts to review the texts before the convening of a conference of plenipotentiaries, if other delegations considered that to be necessary.

11. Mr. NYAKAIRU-WAAKO (Uganda) said that the representative of the United Kingdom had referred in her

¹ A/9691.

statement to persons from Uganda of undetermined nationality. Those persons were not Ugandans but British nationals.

12. Mrs. SELLAMI (Algeria) said that the scope of the activities of the High Commissioner was in proportion to the roots of tyranny that persisted or emerged in the world. It would be better if the solidarity and magnanimity expressed in statements on the item were applied to the furtherance of justice and peace. Until that happened, her delegation would welcome the activities of the High Commissioner, who, in each situation, had been able to find a balanced and just way of convincing all the parties concerned of the need to alleviate human suffering. Although the activities of UNHCR had been made possible by international understanding and co-operation, the success of its activities was due mainly to the moral and intellectual qualities of the High Commissioner. The various operations that had been successfully carried out during 1974 pointed to his ability and humanitarianism.

13. Her delegation could find no fault with the activities of the Office, whether they fell within its competence or were of a special nature. However, it felt that UNHCR assistance would be valuable in the repatriation and resettlement of refugees in Guinea-Bissau, Angola and Mozambique, and to that end the High Commissioner would do well to add his efforts to those of the other United Nations organizations, particularly UNDP, and those of the interested parties, principally the liberation movements. Special activities, such as the foregoing and those carried out or contemplated in Pakistan, India, Bangladesh, southern Sudan, Cyprus, the Sahel and Indo-China, deserved to be included in the programme budgeting, in the manner provided for in part A, operative paragraph 2, of draft resolution A/C.3/L.2136.

14. The entry into force of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 had helped to improve guarantees for the protection of refugees in Africa without prejudice to the friendly relations between the member countries of that Organization. Her delegation therefore believed that the adoption and ratification of international instruments could not but benefit refugees and accordingly expressed support for a meeting of a group of experts to review the draft convention on territorial asylum before a conference of plenipotentiaries was called. Her delegation very much hoped that the draft resolution in document A/C.3/L.2136, of which it was a sponsor, would be adopted unanimously.

15. Mr. TUERK (Austria) said his delegation had noted with satisfaction that the capacity of the Office of the High Commissioner to help the international community to solve problems had been strengthened. None the less, problems were bound to arise as long as situations generating refugees persisted. Since Austria had always accepted a large number of refugees, his delegation had noted with great concern the statement in the High Commissioner's report to the effect that in several cases refugees had been returned to their countries of origin in breach of the relevant provisions of the Convention relating to the Status of Refugees of 1951. That showed how important it was for the international community to adopt more effective provisions relating to asylum. Consequently, the adoption of a draft convention

on territorial asylum within the framework of the United Nations seemed highly desirable. His delegation was in complete agreement with the view of the Executive Committee of the High Commissioner's Programme, as expressed in paragraph 52 (f) of the report of its twenty-fifth session (A/9612/Add.1), that a conference of plenipotentiaries on territorial asylum should take place as soon as possible and should be preceded by a meeting of a group of governmental experts to review the present text of the draft convention.

16. His delegation had noted with satisfaction that over 55,000 more refugees had benefited from UNHCR assistance and that the voluntary repatriation of large numbers of refugees had been possible. It hoped that that positive trend would continue and believed that the political developments in Africa in 1974 would certainly be of assistance.

17. The Austrian Government, aware of the increasing need of the Office of the High Commissioner for further contributions from members of the international community, had increased its contribution for 1974 to \$US38,273. As could be seen from paragraph 85 of the same report, the Austrian Government intended, subject to parliamentary approval, to contribute the same sum to the High Commissioner's annual programme in 1975. Mention had been made of the substantial contribution made by the Austrian Government to the operation in the South Asian subcontinent (see A/9612/Add.2, annex I). Unfortunately, owing to the rising cost of caring for the refugees at present in Austria, it was impossible to make the contributions to the UNHCR assistance programme any larger. Austria had continued to receive refugees during the period covered by the High Commissioner's report.

18. His delegation had joined the many sponsors of the draft resolution in document A/C.3/L.2136. It was also sponsoring the draft resolution in document A/C.3/L.2139 concerning the elaboration of a draft convention on territorial asylum.

19. Mr. JAHN (Federal Republic of Germany) said that the question of refugees contrasted with the progress made in science, research and numerous spheres of daily life. The refugee problem could not be solved by declarations of goodwill alone: only through peace and respect for human rights would a permanent solution be found. Until that ideal state of affairs was achieved, everything possible must be done to mitigate the deplorable fate of refugees, particularly where international protection was concerned. His delegation shared the deep concern expressed by the High Commissioner about the growing practice of returning refugees against their will. Furthermore, it was regrettable that the report of the High Commissioner found it necessary to draw attention to the increase in the number of refugees, especially in Africa and Latin America. However, the report also showed that the High Commissioner had discharged his humanitarian task in an exemplary manner.

20. The Government of the Federal Republic of Germany had supported the activities of the Office of the High Commissioner since its foundation in 1949. It was currently making an annual financial contribution of 2 million

Deutsche mark to the programme of UNHCR and was providing additional financial assistance to special emergency relief measures. That assistance included a recent contribution of 0.5 million Deutsche mark towards the cost of the repatriation programme on the South Asian subcontinent and a further contribution of 3.5 million Deutsche mark in support of the emergency operation in Cyprus, of which 0.5 million Deutsche mark had been paid directly to the High Commissioner. Since becoming a Member of the United Nations the Federal Republic of Germany had contributed to the administrative budget of UNHCR in addition to its regular contribution to the United Nations budget.

21. The Government of the Federal Republic of Germany had long since ratified the Convention relating to the Status of Refugees of 1951 and had acceded to the 1967 Protocol thereto. The Government was seeking the ratification, during the current legislative period, of the Convention relating to the Status of Stateless Persons of 1954 and the 1961 Convention on the Reduction of Statelessness. His delegation therefore supported the draft resolution in document A/C.3/L.2140, submitted under agenda item 99 concerning the establishment, in accordance with the Convention on the Reduction of Statelessness, of a body to which persons claiming the benefit of the Convention may apply. It likewise advocated in principle the adoption of a convention on territorial asylum, although it believed that, prior to the convening of a conference of plenipotentiaries, the text of the draft convention should be carefully reviewed by a group of experts. The Government of the Federal Republic was prepared to take part in the work of such a group.

22. The Federal Republic of Germany had for years been a member of the Executive Committee of the High Commissioner's Programme. During the twenty-fifth session of the Executive Committee, it had participated constructively in the quest for solutions to problems under discussion and had voted, *inter alia*, for an increase in the Emergency Fund from 1 to 2 million dollars within the framework of programme budgeting.

23. His Government would continue to give support, both financially and in other ways, to the activities of the High Commissioner. For example, the Federal Republic of Germany had offered shelter to more than 1,000 refugees from Chile, who were currently living in the Federal Republic. His delegation was a sponsor of the draft resolution in document A/C.3/L.2136, which would, it hoped, be adopted unanimously.

24. Mr. CATO (Ghana) congratulated the High Commissioner on the competence and dignity with which he had carried out his difficult tasks. Refugee problems were pathetic problems and their solution must necessarily take that fact into account. Although during the period under review some satisfactory trends had appeared, Ghana could not overlook the fact that in Africa there were still 1 million refugees, and that Asia, Latin America, the Middle East and Cyprus presented a sad picture of gloom and suffering. The events in Portugal had brought in their train a new realism which opened up broad prospects of alleviating the painful situation of the refugees in Africa. Repatriation must be voluntary; he was sure that all

countries would co-operate with the High Commissioner to facilitate their resettlement.

25. Ghana, which was a party to the Convention on the Status of Refugees of 1951 and to the 1967 Protocol thereto, remained convinced that the granting of asylum could not be regarded as an unfriendly act, and his country had contributed actively to the preparation of the OAU Convention of 1969 Governing the Specific Aspects of Refugee Problems in Africa, which was a regional complement of the 1951 Convention and the 1967 Protocol. The OAU Convention provided that the granting of asylum should not be regarded as an unfriendly act and that no person should be subjected by a Member State to measures such as rejection in a territory where his life, physical integrity or liberty would be threatened. His delegation was therefore grieved to learn that there had been cases of *refoulement*, kidnapping, and even assassination, which were contrary to article 33 of the Convention of 1951 and to the spirit and the letter of other instruments. He appealed to all States to ensure that the principles of asylum and *non-refoulement* were fully respected. As to the draft convention on territorial asylum, Ghana was one of the 76 countries which had reacted positively to the High Commissioner's consultations. His delegation was therefore one of the sponsors of draft resolution A/C.3/L.2139, and it trusted that the group of governmental experts mentioned in that text would tackle its assignment with all dispatch.

26. Mr. STÅHL (Sweden) said that the question of a convention on territorial asylum had been a subject of discussion ever since the General Assembly, by its resolution 2312 (XXII), had adopted the Declaration on Territorial Asylum. At the twenty-seventh session, a draft prepared by a group of experts had been examined and the High Commissioner had been requested to consult with Governments on the matter with a view to paving the way for the convening of a conference of plenipotentiaries. The High Commissioner had reported on those consultations at the twenty-eighth session, and after discussion in the Third Committee, he had been requested to continue his consultations. The results of those consultations were summarized in document A/9612/Add.3. An overwhelming majority of the 91 States which had sent written replies were in favour of elaborating a convention under the auspices of the United Nations. The Executive Committee of the High Commissioner's Programme had reviewed the question at its twenty-fifth session and had reaffirmed the view that a conference of plenipotentiaries should take place as soon as possible, preceded by a meeting of a group of governmental experts to review the current text of the draft convention.

27. That position was reflected in draft resolution A/C.3/L.2139, which his delegation had the honour to present on behalf of the sponsors. The third and fourth preambular paragraphs reflected the deliberations of the Executive Committee. Operative paragraph 1 involved what was essentially a decision of principle. Paragraph 2 required the establishment of a group of legally trained governmental experts on the basis of equitable geographical distribution. The purpose of paragraph 3 was to lay down the terms of reference of the proposed group of experts. Paragraph 4 dealt with the financing of the meeting of the group of experts. Such a meeting would not be a charge on the

regular budget of the United Nations; it would be financed from the voluntary funds available to the High Commissioner. Paragraph 5 requested that the report of the group of experts be submitted to the General Assembly. The last part of the paragraph was to be read in conjunction with paragraph 1. It was clear that until the meeting of the group of experts took place there was no need to provide an estimate of the cost of the conference of plenipotentiaries. Both that question and the date of the conference could be considered at the thirtieth session, when the Third Committee would have the report of the group of governmental experts before it.

28. Mr. POEDJIOETOMO (Indonesia) expressed his sincere appreciation to the High Commissioner and his staff for the report and said that his delegation was aware of the immense amount of work the High Commissioner's Office had accomplished and of the magnitude of its functions, which had been carried out with limited financial resources and a small staff. In order to strengthen the effectiveness of its work, the co-operation of all Member States, non-governmental organizations and other bodies was needed. In addition, the international community must observe and implement the resolutions and other legal instruments relating to refugees. Indonesia, which had contributed to the programme of assistance of UNHCR, was fully conscious of the High Commissioner's problems in helping the refugees and obtaining asylum, the right of residence and the right to work for them. His delegation was sure that by strengthening and enlarging the services of his Office, and with universal support, the High Commissioner would be able to ameliorate the situation of the refugees all over the world.

29. Father HRICO (Observer for the Holy See) said that the High Commissioner's report demonstrated genuine concern for people as persons, not as statistics. He commended the efforts to seek solutions based upon justice and was sure that those projects would elicit the support of all countries, including the countless charitable and religious voluntary agencies which had always worked in close harmony with the Office of the High Commissioner and were anxious to fulfil their responsibilities.

30. Mrs. DE BARISH (Costa Rica) congratulated the High Commissioner and his staff on their efficiency and on the report. She agreed that the aim of the Office of the High Commissioner was to provide just and lasting solutions for the refugees and to try to reduce the complex political problems to their simple moral and humanitarian components. She emphasized the material assistance provided by the High Commissioner's Office for the refugees of Angola, Mozambique and Guinea-Bissau, and the High Commissioner's constant efforts to encourage voluntary repatriation. The repatriation operation in the South Asian subcontinent, in the course of which 241,200 people had been transported to their homes either in Bangladesh or in Pakistan, was a model of co-ordinated international action. The programme of assistance to displaced persons in Laos and Viet-Nam was a thoroughly worth-while project also, and her delegation was gratified to note that the measures had been co-ordinated so as to prevent duplication of effort. The co-ordination of the programme of humanitarian assistance in Cyprus had obviously been an important factor in alleviating very grievous situations. It was hearten-

ing to observe that the figure of \$22 million requested by the Secretary-General to meet the needs of that emergency between 1 September and 31 December 1974 had already been reached.

31. With regard to the draft convention on territorial asylum, she said that Costa Rica had been one of the countries that had replied affirmatively to the High Commissioner's consultation. Costa Rica supported the convening of a conference of plenipotentiaries, preceded by a meeting of legally trained governmental experts to review the present text of the draft convention. Her delegation had always maintained that the granting of asylum was a peaceful and humanitarian act which could not be considered unfriendly by other States. The protective function of the High Commissioner, which was certainly one of his most delicate tasks, was particularly important.

32. Costa Rica was one of the sponsors of draft resolution A/C.3/L.2139, and it strongly supported draft resolution A/C.3/L.2136; it hoped that both those texts would be adopted unanimously. In addition, she was in favour of draft resolution A/C.3/L.2140, because of its eminently humanitarian content.

33. Mr. PARTHASARATHY (India) said he was glad to see that the report of the High Commissioner for Refugees currently being considered began on a slightly more optimistic note than that of the previous year, since it stated that many of the tasks with which the High Commissioner had been confronted, particularly in the field of material assistance, had been accomplished. However, not only did tragic situations continue to exist, but new situations arose periodically in various parts of the world. He was encouraged to note that, nevertheless, the Office of the High Commissioner had not been deterred from its basic objective of seeking to help refugees to become self-supporting and of consolidating their economic and social position. His delegation was in full agreement with the noble aspiration of the High Commissioner which he had expressed at the previous meeting when he had said that the purpose of his Office was to promote lasting and just solutions and attempt to reduce complex political questions to simple moral and humanitarian components. He drew attention to the feeling reflected in the High Commissioner's statement that the refugees constituted a valuable human resource and that they must be prepared for their return to their homes. The Indian delegation congratulated the High Commissioner on the successful completion of the largest airlift of human beings in recent history, which had been carried out in the Indian subcontinent. His delegation also welcomed the different information programmes drawn up and implemented by the High Commissioner's Office. It had also to be borne in mind that in most of the countries which were currently facing refugee problems, different approaches in public information programmes had to be thought out, since the concepts of the mass media might differ from country to country. It might be advisable to draw up a public information programme aimed at interesting the peoples of the recipient countries and helping them to understand the scope and operation of UNHCR. In conclusion, he reiterated his delegation's continued support for the activities of UNHCR.

34. Mr. WIJESINGHE (Sri Lanka) said that for 25 years the Palestinian Arabs who had been displaced from their homes after the termination of the British mandate over Palestine had been languishing in refugee camps, living on the charity of the international community, without homes, a State or a future; the United Nations was responsible for that situation. The Palestinians had been treated as a section of humanity whose rights to a homeland and a national identity had thus far been ignored, and those who had contributed to their maintenance for all those years were entitled to the highest appreciation for their generosity. It was still being maintained, however, that the Arab States—only because there were so many of them and because they belonged to the same ethnic group—were under the obligation to absorb the Palestinians into their lands and compensate them for the wrongs inflicted upon them, for which the Arab countries bore no responsibility. Their property had been expropriated and no attempt at obtaining compensation from the expropriators had yet been made. For the first time in the past 25 years, the United Nations had now dealt with the problem as it should have done—not as a refugee question, but as a problem of the restoration of the rights of the Palestinian Arab people—thanks to the inclusion of the item entitled “The Question of Palestine” as item 108 in the agenda of the current session. The plenary Assembly had already taken the necessary action by adopting two resolutions on that question (resolutions 3236 (XXIX) and 3237 (XXIX)).

35. Over the years, the word “refugee” had become a term of opprobrium. The United Nations and, in particular, those who were primarily responsible for the plight of those unfortunate people, had the continuing obligation to support them. His delegation expressed its admiration for the devotion and conscientiousness with which the United Nations High Commissioner for Refugees and the staff of his Office had discharged their heavy responsibility in the most difficult circumstances.

36. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the right of asylum, one of the questions dealt with in the report of the United Nations High Commissioner for Refugees, was a complex and controversial problem not only because legal solutions and State practice differed, but also because the lack of similarity between the concepts embodied in systems of national law made it difficult to find a common denominator. Asylum had

already been dealt with in international law and if, in such circumstances, States had not changed their position, a convention could not be expected to prompt them to do so. The question of territorial asylum was one which fell within the national competence of States. It was a problem which could not be dealt with in the abstract because it was not the same thing to give asylum to those persecuted for political reasons or to defenders of human rights and to give it to someone who had committed war crimes or crimes against humanity. It was not enough to refer to the humanitarian aspects of the problem because the main considerations were of a political nature. That was the main area in which there was disagreement on that matter. His delegation feared that the preparation of a convention would not only fail to eliminate differences, but would even increase difficulties and force States to adopt a more inflexible attitude.

37. In the Soviet Union, the right of asylum was embodied in the Constitution and those who had taken asylum enjoyed full rights in the USSR. The same was true in other States, but it was inevitable that practice should differ in that respect. In preparing a draft convention, there was the risk of establishing conditions to justify interference in the internal affairs of States. That was an aspect which should be given special consideration and there was no need to speed up the consideration of a draft convention of that kind because that would only make existing differences even more evident. Moreover, his delegation considered that it would be inappropriate to make innovations in the practice which had thus far been followed in the adoption of international instruments, under which those instruments had been prepared by United Nations bodies, not by groups of experts. It would be better to entrust the study of the draft convention to the Commission on Human Rights and then to decide on the convening of a conference of plenipotentiaries. The consideration of the question of convening such a conference could be postponed until the thirtieth session of the General Assembly.

38. The CHAIRMAN said that Cyprus, France, Honduras, Lesotho, Liberia, the Netherlands, the Niger, Togo, Tunisia and Zambia had joined the list of sponsors of draft resolution A/C.3/L.2136, and that Denmark and Honduras had become sponsors of draft resolution A/C.3/L.2139.

The meeting rose at 12.50 p.m.

2100th meeting

Tuesday, 26 November 1974, at 3.20 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2100

AGENDA ITEM 59

Report of the United Nations High Commissioner for Refugees (continued) (A/9603, chapter I, chapter III, section F; A/9612 and Corr.1 and Add.1-3, A/C.3/L.2136, 2139)

1. The CHAIRMAN announced that Senegal and Zaire had become sponsors of draft resolution A/C.3/L.2136.

2. Miss CAO-PINNA (Italy) said that study of the report of the United Nations High Commissioner for Refugees (A/9612 and Corr.1 and Add.1-3) confirmed, as was the