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CONTENTS

Report of the United Nations High Commissioner for Refugees
(A/3585/Rev.1 and Add.1, A/3613, chapter VI, section IV; A/C.3/L.639,
L.640)

Review of the arrangements for the Office of the United Nations High
Commissioner for Refugees (A/3669; A/C.3/L.638) (continued)

Chairman:

Mrs. LIONAES

Norway

Rapporteur:

Mr. COX

Peru

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (A/3585/Rev.1 and Add.1, A/3613, chapter VI, section IV; A/C.3/L.639, L.640)

REVIEW OF THE ARRANGEMENTS FOR THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (A/3669; A/C.3/L.638) (continued)

Mr. BRATANOV (Bulgaria) considered that the thirteen-Power draft resolution (A/C.3/L.639) violated or contradicted a number of earlier provisions. General Assembly resolution 319 (IV), for example, provided that the High Commissioner was to receive policy directives from the United Nations according to methods to be determined by the General Assembly (paragraph 1 (c) of the annex to that resolution). Furthermore, articles 1 and 3 of the Statute of the Office of the High Commissioner (A/1775, page 46) provided that the High Commissioner was to follow policy directives given him by the General Assembly or the Economic and Social Council. Article 10 of that Statute stated that the High Commissioner should make no appeal for funds without the prior approval of the General Assembly. However, it was the High Commissioner's responsibility to administer any funds. The thirteen-Power draft resolution provided for the establishment of a Policy Committee to give directives or advice on the appropriateness of providing international assistance in specific cases, authorize the High Commissioner to make appeals for funds, approve projects for assistance to refugees and give directives to the High Commissioner for the use of the reserve fund whose establishment was recommended in the same draft resolution. Thus, the functions of direction and control at present exercised by the General Assembly, as well as the functions of the present Advisory Committee, would henceforth be vested in the twenty-five States composing the Policy Committee, on which the High Commissioner would be utterly dependent.

Furthermore, only a brief reference to the principle of voluntary repatriation was made in the thirteen-Power draft resolution and that only in the preamble. The High Commissioner, according to his own report, already seemed to have been transformed into a neutral observer of the activities of the repatriation missions. There was a danger that the adoption of the thirteen-Power draft resolution would have the effect of further weakening the High Commissioner's obligation under the Statute to facilitate the voluntary repatriation of refugees.

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(Mr. Bratanov, Bulgaria)

In conclusion, he said that as the thirteen-Power draft resolution in fact introduced some very important changes, it should be examined very carefully by all representatives, and no hasty decision should be taken.

Mr. ROJAS (Venezuela) thanked the Chinese representative for the observations on the Venezuelan draft resolution (A/C.3/L.640) that he had made at the previous meeting. According to the Chinese representative, there was no need to refer to the Statute of the Office of the High Commissioner, since that text contained no provision relating to the administration of funds. He himself considered, on the contrary, that articles 20, 21, and especially 22, of the Statute laid down a number of rules which related directly to that subject. He pointed out that since the thirteen-Power draft resolution made no mention of financial control, he had thought it advisable to bring that text into harmony with the provisions of General Assembly resolution 832 (IX), which established the UNREF Executive Committee.

Mr. de VAUCELLES (France) said that he would vote for the Netherlands draft resolution (A/C.3/L.638). He would also support the thirteen-Power draft resolution (A/C.3/L.639) although he would have liked to know before the vote was taken the final results of the survey requested by the Executive Committee. Although the French delegation shared the desire of the sponsors of the draft resolution to see the camps closed as soon as possible, it considered that there should be no slackening on that account of efforts to solve the problem of the unsettled refugees living outside camps, of whom there were still 207,000. It hoped that measures would continue to be taken on behalf of that group of refugees.

He associated himself with the remarks made at the previous meeting by the representative of the United States. In France, too, the budget was voted on by Parliament each year; it was therefore impossible to assume in advance financial commitments for future years.

The French delegation was prepared to vote for the Venezuelan amendment (A/C.3/L.640) provided that it was accepted both by the sponsors of the joint draft resolution (A/C.3/L.639) and by the High Commissioner himself.

Lastly, he had learned with profound sympathy of the situation of the refugees in Hong Kong. While he appreciated the difficulties experienced by the Government

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(Mr. de Vaucelles, France)

of that territory, he could hardly believe that the Office of the High Commissioner, whose resources were limited, was in a position to find a satisfactory solution to that problem. The financial difficulties confronting most Member States at the present time made it impossible to set up any over-ambitious programmes. However, the French delegation was prepared to vote in favour of a draft resolution of a general nature, stating the problem and bringing it to the attention of Member States; he reserved the right to speak again if a more precise text was presented, especially if financial commitments were contemplated in it.

Mr. di BERNARDO (Italy) noted with satisfaction that nearly all members of the Committee had approved the High Commissioner's policy wholeheartedly and had thus paid a tribute to the work accomplished. Much remained to be done, however, since the fate of many refugees, particularly those in Hong Kong, was not yet settled. All should do what they could to abolish that disgraceful state of affairs, and to that end should apply the minimum standards of civilized life. Since the end of the war, Italy had taken in large numbers of refugees and had had to spend several million dollars on their maintenance. Despite the combined efforts of the Office of the High Commissioner and the Italian Government there still remained more than 10,000 refugees in Italy costing about \$2,500,000 yearly. That was why the Italian Government had been able to make only a token contribution to the United Nations Refugee Fund in 1957. The Italian delegation entirely approved the solutions advocated by the High Commissioner with regard to the resettlement of the refugees and the closing of the camps. It knew, too, that every confidence could be placed in the High Commissioner who would ensure that those refugees who asked for repatriation took their decision in complete freedom.

Italy was one of the sponsors of the draft resolution in document A/C.3/L.639; the Italian delegation firmly believed that the measures proposed were conducive to swift and effective action. It should again be stressed, with regard to the question of subsequent financial participation, that the adoption of the draft resolution imposed no juridical or moral obligations on Members. The Italian delegation would vote in favour of the Netherlands draft resolution (A/C.3/L.638), as it was convinced of the value of the work already done and of the need for continuing the Office of the High Commissioner. It would also vote in favour of the Venezuelan amendment (A/C.3/L.640).

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Mr. WOLTE (Austria) said that the sponsors of the thirteen-Power draft resolution had decided to accept the Venezuelan amendment (A/C.3/L.640), as well as the modification proposed by the delegation of the Dominican Republic, calling for the replacement of the words "to renew his appeal" in operative paragraph 1 (b) by the words "to appeal to".

Miss BERNARDINO (Dominican Republic) said that the General Assembly's decision [resolution 1039 B (XI)] to place a plaque to the memory of Mr. G.J. van Heuven Goedhart in the Palais des Nations at Geneva had not yet been put into effect; it might perhaps be desirable for the General Assembly to reaffirm that decision and she would like to hear the High Commissioner's views on the subject.

Mr. LINDT (United Nations High Commissioner for Refugees) said that lack of funds had made it impossible to put the plaque in place in 1957. He would make every effort in co-operation with the Director of the European Office of the United Nations to ensure that the work was carried out in 1958.

Mr. BAROODY (Saudi Arabia) said that the provisions of operative paragraph 4 of the thirteen-Power draft resolution might be difficult to carry into effect, since the paragraph referred to a Policy Committee, whereas the competent policy-making body was really the General Assembly. It should be clearly understood that the Committee it was proposed to establish would in fact be an administrative board. The possibility of establishing an advisory committee might have been considered, but a body of that kind would not have been able to give directives. Furthermore, if an executive committee had been set up, the High Commissioner would have been required to consult it on all decisions to be taken and his work might have suffered as a result. The delegation of Saudi Arabia would accept the establishment of a Policy Committee provided that the status of that body was made perfectly clear by adding to operative paragraph 4, after the words "Policy Committee", the words: "elected on a geographical basis, with terms of reference as set forth in this resolution".

In addition, sub-paragraphs (a) and (f) of paragraph 4 provided that in certain instances the Policy Committee would give directives to the High Commissioner. It should be pointed out that when the Committee was unable to reach a unanimous decision, those directives would be fixed by a majority; that

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(Mr. Baroody, Saudi Arabia)

procedure would in some cases be unfortunate. To avoid such a situation while at the same time leaving the High Commissioner the necessary latitude to carry out his task properly, he suggested that sub-paragraph (a) should be replaced by the following provision: "To discuss with the High Commissioner ways and means of ensuring the liquidation of the United Nations Refugee Fund (UNREF)". He further proposed that in sub-paragraph (f) the words "To give directives to the High Commissioner for" should be replaced by the words "To discuss with the High Commissioner".

The ideal permanent solution to the refugee problem was repatriation, especially in the case of children. Nothing could take the place of the family or even of the fatherland. For young children, as for instance for the 10,000 Hungarian refugees under fourteen years of age, no other solution should be envisaged. Those children should be sent home without even being asked for their opinion for they were too young to decide their own fate. It was the only way to make normal happy children of them and to prevent them from becoming delinquents or the prey of rogues who in all countries were ready to exploit them. In the case of adults repatriation should, of course, be voluntary. In order to give that permanent solution the importance it deserved, a reference to it should be included in the thirteen-Power draft resolution (A/C.3/L.639). Accordingly, the delegation of Saudi Arabia, in agreement with certain other delegations, including the delegations of Syria and the Sudan, suggested that a new operative paragraph 2 should be added, under which the High Commissioner would be responsible for implementing the instructions contained in paragraph 1 (a) and (b) by encouraging voluntary repatriation of refugees or their assimilation in new national communities. The present paragraph 2 would then become paragraph 3 and the numbering of the other paragraphs would be changed accordingly.

Mr. SAMY (Egypt) and Mrs. AFTAN (Iraq) unreservedly supported the amendment which the Saudi Arabian representative had just submitted and expressed the desire to be among its sponsors.

Mr. REMOLADOR (Philippines), co-sponsor of the draft resolution in document A/C.3/L.639, said that the measures envisaged in that text would enable the High Commissioner to give the refugees more effective protection and assistance.

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(Mr. Remolador, Philippines)

If the world was to be a better place to live in, no effort must be spared to solve the refugee problem. At the same time, the Philippine delegation considered that the draft resolution did not compel Governments to assume specific financial obligations and left them entirely free to decide upon their response to any future appeal for funds by the High Commissioner.

The Office of the High Commissioner could not be expected to have completed all its work by the end of 1958. If after that date there no longer existed any body responsible for dealing with refugees, the solution of the refugee problem would be seriously jeopardized. Accordingly the Philippine delegation was entirely in favour of the Netherlands amendment (A/C.3/L.638), which sought to avoid such an unfortunate eventuality.

Mr. LIMA (El Salvador) asked for clarification regarding operative paragraphs 3 and 4 of the thirteen-Power draft resolution. The functions given to the Policy Committee varied from one sub-paragraph to another: it could advise, authorize, approve and give directives. The result was that it was not clear what the relationship between the Committee and the Office of the High Commissioner was in fact to be. If the Committee gave directives to the High Commissioner, it had more power than he had; if, on the other hand, it had simply to be content with advising the High Commissioner when he requested it to do so, the word "directives" used in sub-paragraphs (a) and (f) was inappropriate. The sponsors of the draft resolution should attempt to give it greater coherence and unity.

The CHAIRMAN informed the members of the Committee that the amendments submitted by the representative of Saudi Arabia would be distributed to them during the afternoon as documents A/C.3/L.641 and A/C.3/L.642.

The meeting rose at 12.5 p.m.