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Forty-eighth session

SUMMARY RECORD OF THE 519th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Tuesday, 14 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

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* The summary record of the first part of the meeting appears as document A/AC.96/SR.519.

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ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/882 and 887)

1. Mr. MALUNGO (Observer for Angola) said the organized repatriation of the Angolan refugees, which should have been initiated in June 1997, had not been possible due to delays in the implementation of the Lusaka Protocol; the causes of the exodus of the population, in search of better conditions of security, still persisted. Nearly three years had passed since the signing of the Protocol and the tasks defined for implementation within a specific time-frame had still not been fully carried out. The execution of the Protocol had been characterized by repeated non-adherence on the part of the National Union for the Total Independence of Angola (UNITA), which had deliberately delayed the process.

2. Efforts had been made to clear up the issues pending in the implementation of the Protocol and he welcomed the positive advances made in the past several days with respect to the extension of State administration and the free circulation of people and property throughout the country; other efforts were also continuing towards settling military questions. Those positive developments made it possible to envisage the start of the repatriation process in the very near future.

3. Repatriation was one of his Government's priorities. Even though durable peace in Angola was still not a certainty, the Angolan refugee population in the neighbouring countries had started returning by their own means and in great numbers: between 1995 and August 1997, some 114,000 refugees had returned spontaneously, 40,000 of them in 1997 alone. The programme of repatriation and reintegration of Angolan refugees had been launched in 1995 for a target population of 310,000, with the idea that 83,000 would repatriate in an organized manner, with transport assistance provided by UNHCR from their countries of exile to Angola. Humanitarian and reintegration assistance would be provided to the remaining 227,000, whose return would be spontaneous. While organized repatriation had not begun, spontaneous refugees continued to benefit from individual and community-based assistance.

4. Meanwhile, owing to changes in the political situation in some of the countries of exile, there had been a significant rise in the number of Angolans stating that they wished to return and requesting Government assistance for that purpose. That had raised the number of refugees and exiles expected to return in the coming months to 500,000. At the community level, UNHCR had invested in the rehabilitation of basic infrastructure in the areas with the highest numbers of returnees and, of the 147 rehabilitation or quick impact projects (QIPs) initiated, 81 had been completed, including the rehabilitation of roads, hospitals, health posts, primary schools and improved water and sanitation supply. A demining programme which had got underway in 1996 in the province of Moxico had had to be suspended because of the country's difficult political situation, however.

5. Unwavering international support was critical for the programme's continuation. It was already having a remarkable impact and, in many areas, UNHCR and its non-governmental partners were the only source of assistance for returnees and the rural population. As the process of extending State administration continued apace, the various Ministries had begun assessment missions to formulate plans for the resumption by the Government of its

responsibilities in the various sectors. The Government was especially concerned with the rehabilitation of bridges and roads; the demining of roads and areas of final destination of the returnees; and the construction of schools and training institutions. His Government had pledged \$2 million to UNHCR, half of which would be paid in 1997 and half in 1998.

6. The future stability of Angola would depend on the social reintegration of the returnees, the demobilized soldiers and the internally displaced. The Government was therefore paying particular attention to programmes of assistance for those groups and he called on the international community to continue to support UNHCR in its efforts to assist the repatriation and reintegration of Angolan refugees.

7. Mr. VASQUEZ COLMENARES (Observer for Mexico) said that, in close cooperation with its Guatemalan counterpart and the UNHCR Regional Bureau, his Government had been contributing to the repatriation of Guatemalan refugees. That repatriation comprised two stages: the departure of refugees from Mexico to Guatemala, and the reception of persons arriving in Guatemala from Mexico. Mexico's treatment of the refugees in its territory had been exemplary and was a reflection of its traditional openness to those suffering political persecution. Some 36,000 Guatemalans had repatriated voluntarily between 1986 and 1997, representing more than 70 per cent of the original refugee population. The refugee camps in Chiapas, Campeche and Quintana Roo currently housed about 28,283 persons, 10,000 of whom had been registered in 35 collective repatriation movements.

8. Voluntary repatriation was continuing, both collectively and in small family movements. Collective repatriation had accounted for almost 70 per cent of the total. The refugees had formed an increasing number of their own organizations in order to encourage the negotiations required by each collective repatriation, such as for the purchase of land.

9. After more than 15 years in Mexico, the refugee population had multiplied, with an average annual birth rate exceeding 4.5 per cent. Some 51 per cent of the camps' residents had been born in Mexico and were therefore Guatemalans by jus sanguinis and Mexicans by jus soli. In response, the Government in 1996 had set up a migratory stabilization programme to help those refugees in Campeche and Quintana Roo who had already achieved high levels of economic self-sufficiency and who wished to remain in Mexico indefinitely and be given immigrant status. In addition, refugees with children who had been born in Mexico or whose spouses were Mexican nationals were permitted to acquire Mexican nationality, if they so wished. Those refugees who wished to be repatriated were granted non-immigrant visitor status. In Chiapas, where the conditions for self-sufficiency or integration were more complex, the families concerned had been given the choice of being transferred to Campeche or Quintana Roo in order to take part in the migratory stabilization programme.

10. The refugees in Chiapas had had their documentation papers renewed with the status of non-immigrant, which extended their right to freedom of movement and to work throughout the entire national territory. The delivery of

new documentation papers was complete. Between November 1996 and June 1997, 4,537 documentation papers had been issued to immigrants and 6,929 to non-immigrants. Mexican-born refugee children all possessed birth certificates.

11. Agreements had been signed with the Government of Guatemala in order to expedite the collective repatriation movements, which had been awaiting repatriation for two or three years. A survey was being carried out in 116 refugee camps to identify the choice of each family. The repatriation challenge was to maintain a more sustained pace of land purchase in Guatemala with a view to finalizing the voluntary repatriation process currently under way. The Guatemalan Government had made praiseworthy efforts in that regard, allocating 100 million quetzales to the purchase of land for the refugees still in Mexico. Mexico was in the process of granting special naturalization status to 1,000 refugees.

12. The Guatemalan refugees had responded gracefully to Mexican hospitality, cooperating on reforestation projects, the restoration of archaeological ruins and agricultural production. They enriched Mexico's varied ethnic and artistic mosaic while preserving their own traditional identity.

13. Mr. GANDARA GABORIT (Observer for Guatemala) said the reintegration programmes for Guatemalan refugees were benefiting 35,000 returnees, 250,000 internally displaced persons and 3,000 former combatants of the Unidad Revolucionaria Nacional Guatemalteca (URNG). His Government had been greatly concerned with complying with the Peace Agreements, undertaking projects aimed at improving the living conditions of the Guatemalan people, especially those affected by the internal armed conflict. Those actions had been paralleled by the decision of the Mexican Government to allow the refugees to remain in the country that had offered them asylum for more than 15 years.

14. Through its immigration programme, Mexico was the first nation to have granted naturalization to those Guatemalans requesting it, for which Guatemala would always be grateful. To speed up the agreement on a timetable, the viability of projects emphasizing economic recovery had recently been studied, prior to asking the international community to supplement the resources already being provided by the Guatemalan Government and the beneficiary communities. The Government's efforts aimed at the settlement of disputes included the establishment of a Land Commission, intended to reduce the tensions arising from legal conflicts over land. There was also a Land Fund, which was responsible for acquiring land for Guatemalans whose livelihood would depend on it. Support had also been forthcoming from the Technical Committee of the Resettlement Agreement.

15. Work would intensify over the coming months, particularly following the signing on 17 September 1997 of an agreement between the Government and the representatives of the Guatemalan refugees in Mexico aimed at speeding up the organized, collective repatriation of 28,000 Guatemalans. It had been agreed that the process should be completed on 29 December 1997, with the establishment of the repatriation movements and the completion of the land purchase. A survey would be undertaken to determine the number of refugees wishing to return.

16. UNHCR's contribution to the refugees' reintegration must be acknowledged. Its quick impact programmes (QIPs) had benefited some 35,000 persons in the areas of production, health, education and communications. The value of that work was further enhanced by production projects focusing on the conservation of natural resources.

17. Mr. ZACKHEOS (Observer for Cyprus) said that denial of the right to return to one's home or property bred frustration and resentment and made the solution of a conflict difficult or non-viable and not lasting. His Government took an active interest in that matter for obvious reasons, especially in view of the displacement of one third of its population as a result of the Turkish invasion and the continuing occupation of 37 per cent of its territory, the denial of the right of refugees to return, the implantation of Turkish settlers and the inhuman treatment of the few remaining enclaved people in the occupied areas. The armed group or occupying Power that controlled the area from which refugees were forced to flee should comply with its obligations under the Geneva Conventions not to import its own nationals into that territory.

18. Cyprus's experience with the massive colonization of the occupied areas of Cyprus pursued by the Government of Turkey in a premeditated attempt to change the demographic structure of the island was painful. The victims of that policy were not only the Greek Cypriots and Maronites, but also the Turkish Cypriots themselves, who had been turned into a minority in the occupied territory as a result of their growing emigration. According to Turkish Cypriot sources, the Turkish Cypriot population was around 70,000, while the settlers from mainland Turkey numbered almost 110,000. He had deep sympathy for the suffering of the Turkish Cypriots caused by the bad political and social conditions prevailing in the Turkish-held area and earnestly believed that their problems could be overcome only through reunification of the divided island.

19. His Government had put forward principled positions for the solution of the refugee problem, which it considered one of the most serious aspects of the Cyprus tragedy. Its proposals envisaged the affirmation of the right of the refugees to return to their properties and, in that regard, he recalled the 1996 decision of the European Court of Human Rights, which had confirmed that all refugees remained the legal owners of their properties in the occupied part of Cyprus. That decision clearly proved that the Turkish position, whereby the refugee problem should be solved through the so-called "exchange of properties and compensation", was legally untenable and unacceptable. Apart from creating a dangerous precedent, it would be anachronistic and hinder the construction of enlightened societies.

20. Cyprus also believed in the creation of conditions of trust and cooperation among the two communities and in guaranteeing the safety and security of all the island's inhabitants. To address those concerns, the Government had proposed the demilitarization of the Republic of Cyprus and had advocated the deployment of a multinational force under Security Council auspices. Those ideas, along with Cyprus's accession to the European Union, would undoubtedly provide the framework for a prosperous Cyprus.

21. Mr. SRITHIRATH (Observer for the Lao People's Democratic Republic) said that, as a result of the Comprehensive Action Plan (CPA) for Indochinese

refugees, 112,000 asylum-seekers had been able to obtain permanent refuge. As to the Lao refugees, his Government had always affirmed its humanitarian policy towards those who had left the country: they could return with dignity and in security. In accordance with that policy and within the framework of the CPA, his Government had several years ago reached an agreement with UNHCR and the Thai Government for the voluntary repatriation of Lao refugees in Thailand. Some 54,000 Lao had been resettled in third countries and 27,000 had returned to their country of origin.

22. However, the Lao repatriation had been slated to close down officially with the CPA. With the consent of the Lao and Thai Governments and UNHCR, the United States Government had been authorized to screen that population for resettlement in the United States. Unfortunately, not all had been found eligible and 1,300 Lao refugees were still in the Ban Napho camp in Thailand. It was therefore the responsibility of the Lao and Thai Governments and UNHCR to find a solution for those non-eligible individuals left mercilessly in the camp - mercilessly, because they were the elderly, children, women and especially the sick and the addicted. It had been decided in March 1997 that the process under way by the Thai authorities and UNHCR of reverifying the status of those refugees should be speeded up before the repatriation to Laos was carried out prior to 30 June 1997. As his Government had still not received the report on that reverification, it would be illusory to talk of the start-up day for that process.

23. Laos had just joined the Association of South-East Asian Nations (ASEAN), thereby greatly enhancing the prospects for cooperation, as well as the Government's responsibilities and commitment to socio-economic development. Within that framework, the Government hoped the Lao repatriation programme would be completed as soon as possible after the CPA so that the new returnees could contribute with dignity to national development. That programme was very small compared to other UNHCR programmes, but that did not mean its solution was less complex, owing to the delay in implementing the status examination procedures, the inadequate budget and the indecisiveness of the refugees themselves. It was highly likely that the CPA's objectives would not be completely achieved before the end of 1997. The Government could therefore not give UNHCR any assurance of its commitment to the CPA. To the extent allowed by its capacities, however, it was willing to continue its cooperation with UNHCR in its humanitarian mission and counted on UNHCR to help it resettle the Lao repatriates and facilitate their reintegration into the national community.

24. Mr. NOIRFOLISSE (Belgium), referring to the part of the statement made by Luxembourg on behalf of the European Union which had urged that UNHCR and other international humanitarian organizations should be allowed to continue their important work without hindrance and with full respect for international law, said that Belgium also fully supported UNHCR. Polemical speeches should be avoided in order to contribute to the search for constructive solutions to the refugee problems faced by all.

25. Mr. DE SMET (Belgium) said that, while the voluntary return of persons not in need of international protection was the preferred solution, non-voluntary forms of return could not be excluded. In that connection, there were several matters of particular concern to Belgium.

26. With regard to the scheduled regularization of asylum-seekers, he stressed that progress had been achieved by Belgium in processing asylum cases rapidly and absorbing the backlog. However, the decreases in handling the backlog neither implied nor entailed a similar decrease in the continuing residence of rejected asylum-seekers.

27. Belgium would maintain its humanitarian tradition of examining requests for regularization pragmatically. The questions of those who had long been awaiting the outcome of the asylum proceedings; of those who had already attained a certain degree of integration into Belgian society; and of those claiming exceptional circumstances would all be taken into account by the Government in reaching any conclusive decisions on regularization.

28. The persuasive power of negotiating an agreement on readmission with countries of origin to take back their citizens whose requests for asylum had been rejected was important. Depending on the relationship of the State with the country of origin, certain positive measures of community development projects and financial incentives could be effective. The European Union and its member States could thereby exert real influence, assuming the existence of political will. In 1993, Belgium had proposed strengthening readmission measures by using economic and associative European agreements to exert influence on countries of origin. European countries found themselves in a weak position whenever the country of origin did not want to cooperate in providing identity and travel documents. The Maastricht Treaty reiterated the link between development assistance and cooperation on return and, in that regard, there was room for optimism on the forthcoming negotiations.

29. The non-return of rejected asylum-seekers could constitute a counterproductive "pull" factor for other migrants who could be seduced to mortgage the asylum system as a whole. When States honoured the Convention relating to the Status of Refugees with true respect for the principle of non-refoulement, as long as asylum claims were not rejected, that could also imply that, following a negative determination on refugee status, the same States could reasonably expect UNHCR to provide logistical backing for cooperation with countries of origin or to help with passive monitoring in the country of origin. UNHCR assistance through negotiations with certain States for obtaining the return of their rejected asylum-seekers in safety and dignity to their countries of origin was consistent with its mandate. However, it was not advisable to change the text of the Convention relating to the Status of Refugees or the UNHCR Statute; rather, UNHCR should be flexible with its liberal and proactive interpretation of the terms "protection" and "assistance". The International Organization for Migration (IOM) should also be asked to become more operational in its role as an implementing partner.

30. He announced that his Government had decided to consider giving a favourable reply to the High Commissioner's appeal concerning requests for the resettlement in Belgium of a certain quota of Vietnamese from Hong Kong.

31. Mr. ULUÇEVİK (Turkey), speaking in exercise of the right of reply, said that the representative of Cyprus had abused the humanitarian platform of the Executive Committee by airing political aspects of the Cyprus issue, which were absolutely irrelevant to UNHCR. In making fallacious allegations against Turkey, Cyprus was attempting to hoodwink the Committee into believing that, in the southern part of Cyprus, there was a refugee problem with all its

tragic consequences, on a par with the problems in the Great Lakes region or Afghanistan. Such allegations were an insult to intelligence and showed reckless disrespect for the tens of millions of refugees worldwide. The statement contained truths and contradictions. It was true that the Turkish Cypriot community were victims, but at the hands of Greek Cypriots. The Turkish Cypriot minority was indeed suffering, but as a result of the embargo imposed by the Greek Cypriot administration; it was the Greek Cypriot strategy to block international assistance to the Turkish Cypriots.

32. As to the statement that the exchange of property was untenable, it was the Greek Cypriot Government that had accepted such an exchange as one of several ideas initiated by the Secretary-General. The safety of all inhabitants had been the reason for Turkey's intervention in Cyprus. While the southern part of Cyprus boasted of its economic achievements, the Greek Cypriot economy had achieved such a tremendous growth rate only as a result of the full financial support of the international community - which it had been enjoying since 1974, on the grounds that there were refugees and displaced persons in need of financial assistance. The political dilemma in Cyprus could be solved only as part of an overall solution.

33. Mr. ZACKHEOS (Observer for Cyprus), speaking in exercise of the right of reply, said he was proud to represent the legitimate Government of Cyprus, which was accepted internationally as such. Turkey's actions had been condemned by United Nations resolutions, the Non-Aligned Movement and Commonwealth declarations, resolutions of the Commission on Human Rights, the European Commission and the European Court of Human Rights. The Turks had a selective memory, overemphasizing incidents that affected the Turkish Cypriots while forgetting the plight they had brought about in their race against the Greek Cypriot population. He had not meant to imply that the Cypriot refugees were suffering the same fate as other more tragic refugee situations. The conditions of the Greek Cypriot refugees had improved as a result of their hard work and efficient use of foreign aid. The Turkish Cypriots benefited from international aid and had had more than their fair share of it. The difficulties faced by the Turkish Cypriot communities were not due to any deprivation of foreign aid, but to the integration of their economy into that of Turkey.

34. In reply to Turkey's assertion that voluntary repatriation was the preferred solution to the refugee problem, he said that that belief should be applied also to Cyprus and Turkey should allow the Greek Cypriot refugees to return to their homes and properties.

35. The CHAIRMAN said that, with one exception, all delegations addressing the Committee had praised UNHCR's efforts globally, noting the integrity with which the High Commissioner and her staff had undertaken their activities in difficult and often dangerous circumstances. He stressed that UNHCR'S mandate was humanitarian and non-political in nature. Any attack on the integrity or honour of UNHCR staff was not called for in the Committee and clearly did not represent the views of its members. He reiterated the Committee's fullest confidence in and support for the High Commissioner and her staff.

The meeting rose at 7.25 p.m.