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File No. Dossier 47-3-UNHCR
Volume 1 From - De 71-09-19 TO - À 94-04-30

4440
47-3-UNHCR
Vol 1

4440

DISPOSAL

MKRD

SEMI ACTIVE

DEPARTMENT OF EXTERNAL AFFAIRS

MINISTÈRE DES AFFAIRES EXTÉRIEURES

TITLE—TITRE:

REFUGEES-TREATIES AND AGREEMENTS-UNITED NATION HIGH CO MISSIONER FOR REFUGEES CONVENTION

REFUGIES-TRAITES ET ACCORDS-CONVENTION CONCERNANT LE HAUT-COMMISSAIRE DES NATIONS UNIES POUR LES REFUGIES

Retention period - Période de retention:

5Y/ 2A-3D

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NOTE:

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94-04-30

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FILE 47-3-UNHCR DOSSIER
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---BURMA: REPATRIATION OF REFUGEES FROM BANGLADESH

FROM FILE 231/1/10

START OF SUMMARY

UNHCR REPRESENTATIVE IN DHAKA EXPECTS THAT, ONCE A UNHCR PRESENCE HAS BEEN ESTABLISHED IN THE CAMPS AND REFUGEES HAVE BEEN INFORMED THAT CONDITIONS IN BURMA ARE SATISFACTORY, AN ACCELERATED PROGRAM OF REPATRIATION WILL BEGIN, WITH 2000 REFUGEES BEING REPATRIATED EVERY OTHER DAY.

END OF SUMMARY

HIGH COMMISSIONER AND LAMB CALLED ON FOREIGN SECRETARY KRAHMAN), HOME SECRETARY (AHMED), AND UNHCR REPRESENTATIVE (NGUYEN-TANG) ON 19 SEPTEMBER TO DISCUSS REPATRIATION OF REFUGEES. (WE HAD SEEN INFORMATION IN O.RA5261 BY THE TIME WE SAW THE LATTER.)

2. AHMED SAID THAT THE SLOW PACE OF REPATRIATION WAS UNACCEPTABLE, AND GAVE THE USUAL BANGLADESHI LINE THAT THE UNHCR WAS PUTTING 'LEADING QUESTIONS' TO THE REFUGEES WHICH IN EFFECT DISCOURAGED THEM FROM RETURNING. HE ALSO REPEATED PAST ASSERTIONS THAT THE REFUGEES WERE UNDERCUTTING THE LABOUR MARKET BY WORKING OUTSIDE THE CAMPS FOR REDUCED WAGES AND DESTROYING THE ENVIRONMENT BY CUTTING DOWN TREES. HE AND RAHMAN VIGOROUSLY REITERATED GOB'S COMMITMENT TO THE VOLUNTARY NATURE OF THE REPATRIATION PROGRAM.

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3. NGUYEN-TANG HAD HEARD THE RESULTS OF BLATTER'S VISIT TO BURMA AND BELIEVED THAT THE MOU WOULD BE SIGNED WITHIN THE NEXT FEW WEEKS AND A UNHCR PRESENCE ESTABLISHED IN BURMA. THESE DEVELOPMENTS WOULD ENABLE THE UNHCR TO IMPLEMENT ITS PROGRAM FOR ACCELERATED REPATRIATION IN WHICH INDIVIDUAL PRIVATE INTERVIEWS WOULD NO LONGER BE REQUIRED. ONCE THE UNHCR HAD BEEN SATISFIED (BY ITS REPRESENTATIVES IN BURMA) THAT THE CONDITIONS WERE FAVOURABLE IN BURMA FOR REPATRIATION, AND AFTER THIS HAD BEEN MADE KNOWN IN THE CAMPS, THE REFUGEES COULD THEN BE EXPECTED TO COME FORWARD IN GROUPS ASKING FOR REPATRIATION. THE UNHCR WOULD THEN EMPTY AND CLOSE THE CAMPS ONE BY ONE AND MOVE THE REFUGEES TO A STAGING CENTRE, WHENCE THEY WOULD RETURN TO BURMA. HE EXPECTED THAT 2000 WOULD BE RETURNED TO BURMA EVERY OTHER DAY BY THIS METHOD. HE EXPECTED THAT, IF ALL WENT WELL, THE PROCESS COULD BEGIN SOMETIME BETWEEN 1 OCTOBER AND 1 NOVEMBER, BUT THE BANGLADESH GOVERNMENT WOULD BE TOLD, AT LEAST FOR THE PRESENT, THAT THE PROCESS WOULD BEGIN 'TOWARD' THE END OF THE YEAR.

4. NGUYEN-TANG SAID THAT HE WAS TO TRAVEL TO THE CAMPS FOR A WEEK BEGINNING 20 SEPTEMBER WHERE HE WOULD INVESTIGATE THE REPORTS (WHICH WE HAVE REPORTED PREVIOUSLY) OF CO-ERCIVE METHODS BEING USED BY THE GOB OFFICIALS TO ENFORCE REPATRIATION. HE HAD ALREADY GIVEN INSTANCES OF THESE (NAMING NAMES AND DATES) TO THE GOB AUTHORITIES AND HE HOPED THAT HE WOULD RECEIVE SATISFACTORY REPLIES FROM THE

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DIVISIONAL COMMISSIONER, OMAR FAROUQ. WE SAID WE WOULD CHECK WITH HIM ABOUT THE RESULTS OF THESE ENQUIRIES WHEN HE RETURNED TO DHAKA.

5. NGUYEN-TANG SAID THAT THE REFUGEES WERE NOT ALLOWED TO LEAVE THE CAMPS AND THEREFORE THERE COULD NOT HAVE BEEN VERY MANY OF THEM WHO HAD WORKED FOR LOW WAGES IN THE BANGLADESHI WORKFORCE. WHEN HE HAD HEARD THESE CHARGES, HE HAD ALWAYS ASKED FOR NAMES AND INSTANCES, BUT SO FAR HAD NEVER BEEN GIVEN ANY. IT WAS, HE SAID, TRUE THAT THE REFUGEES HAD DAMAGED THE FORESTS, BUT THE UNHCR HAD SOUGHT TO OVERCOME THIS PROBLEM BY IMPLEMENTING A $3.1M AFFECTED BANGLADESH VILLAGES (ABV) PROGRAM TO REHABILITATE AREAS BADLY DAMAGED AND HAD ALSO DRAWN UP A RE-AFFORESTATION PROGRAM TOTALLING $5M WHICH IT IS PUTTING TO THE EUROPEAN COMMUNITY AS A PROJECT TO BE RUN AS AN EC BILATERAL PROJECT. OVER ONE MILLION DOLLARS HAD ALREADY BEEN PAID OUT FOR THE ABV PROGRAMME, BUT THE BANGLADESH AUTHORITIES WERE FIGHTING AMONGST THEMSELVES ABOUT WHO WERE TO BE THE IMPLEMENTING ORGANISATIONS AND HAD THUS DELAYED THE PROGRAM.

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information
12 January 1993
Bulletin
No 2
Produced by: UNHCR Public Information Section - Tel: (41-22) 739 84 94

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12-3 - UNHCR (GV)
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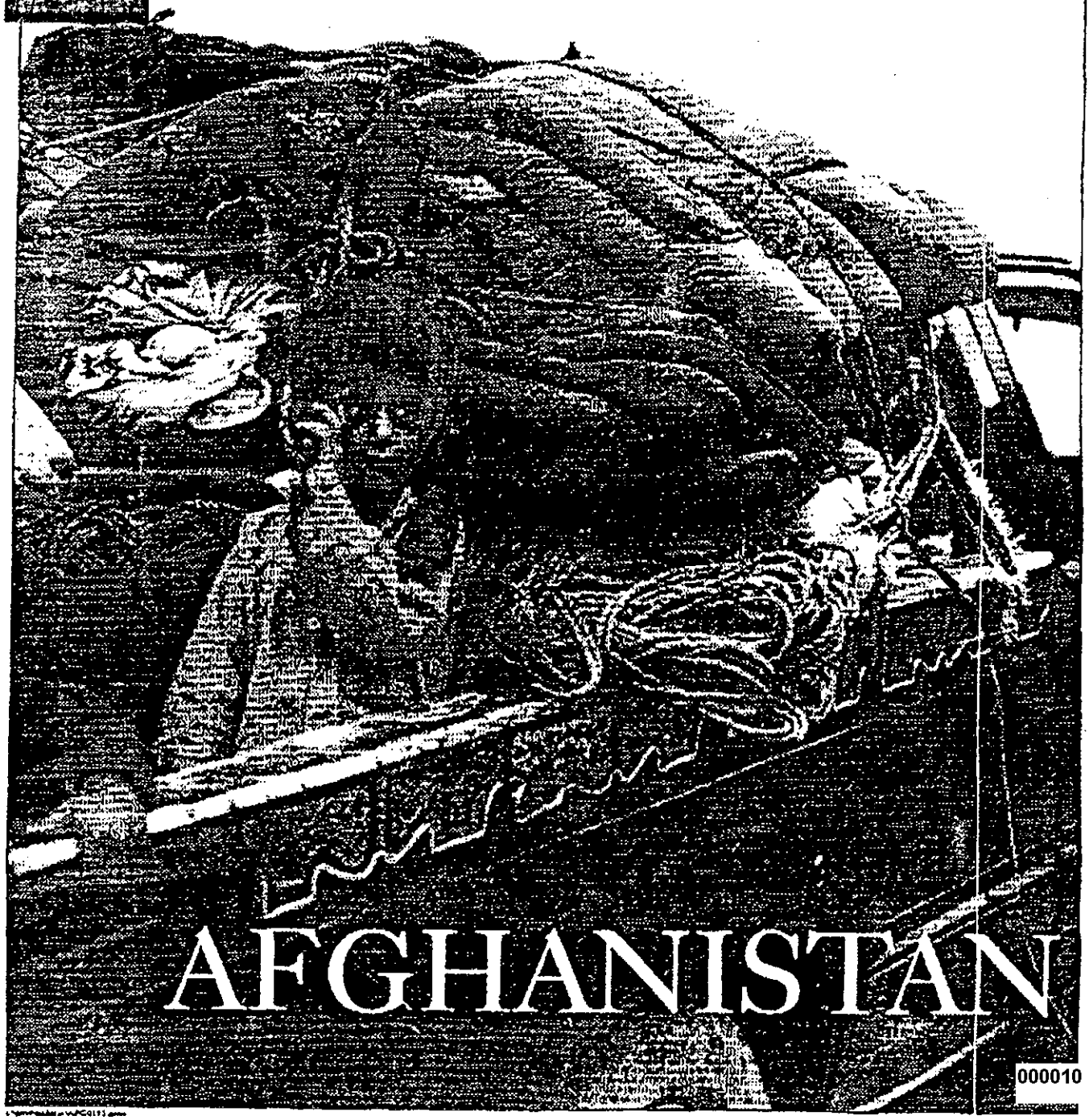

AFGHANISTAN

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---AFHANISTAN: UNHCR BULLETIN

FOR YOUR INFORMATION, ATTACHED IS A COPY OF INFORMATION BULLETIN NO.2, DATED 12 JANUARY 1993, ISSUED BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) REPORTING ON ITS ACTIVITIES IN AFGHANISTAN.

DRAFTER/REDACTEUR	TELEPHONE	APPROVED/APPROUVE
R. LAWRENCE/mcm		R. LAWRENCE

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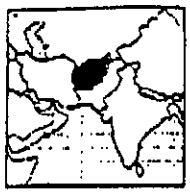

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The numbers speak for themselves

"Frighteningly large numbers of Afghans are returning home to precious little."

A senior UNHCR Afghan repatriation officer

Nothing, it seems, can stand in the way of the Afghan people's desire to end 14 years in exile, despite the many obstacles to their return.

The numbers speak for themselves.

Of the 6 million Afghans who sought sanctuary in Iran and Pakistan — the world's largest refugee population from one country — more than 1.5 million returned home in 1992. In one week alone last summer, more than 100,000 Afghans streamed home across the Pakistan border at a rate of 15,000 a day.

Even the harsh Afghan winter has failed to deter the hundreds of refugees daily crossing the border as part of the largest voluntary repatriation movement assisted by the United Nations High Commissioner for Refugees.

Given the destruction of what little infrastructure there was in Afghanistan before the war, the scale of repatriation has exceeded all projections.

Not much is left of Afghanistan, one of the world's least developed countries even before the 1979 Soviet invasion plunged the nation into war. Today, the country is littered with mines. Food silos were empty at the onset of winter. Fuel is scarce, while health, water and sanitation services are severely depleted.

The massive return of refugees was triggered by the ouster of the Soviet-installed govern-

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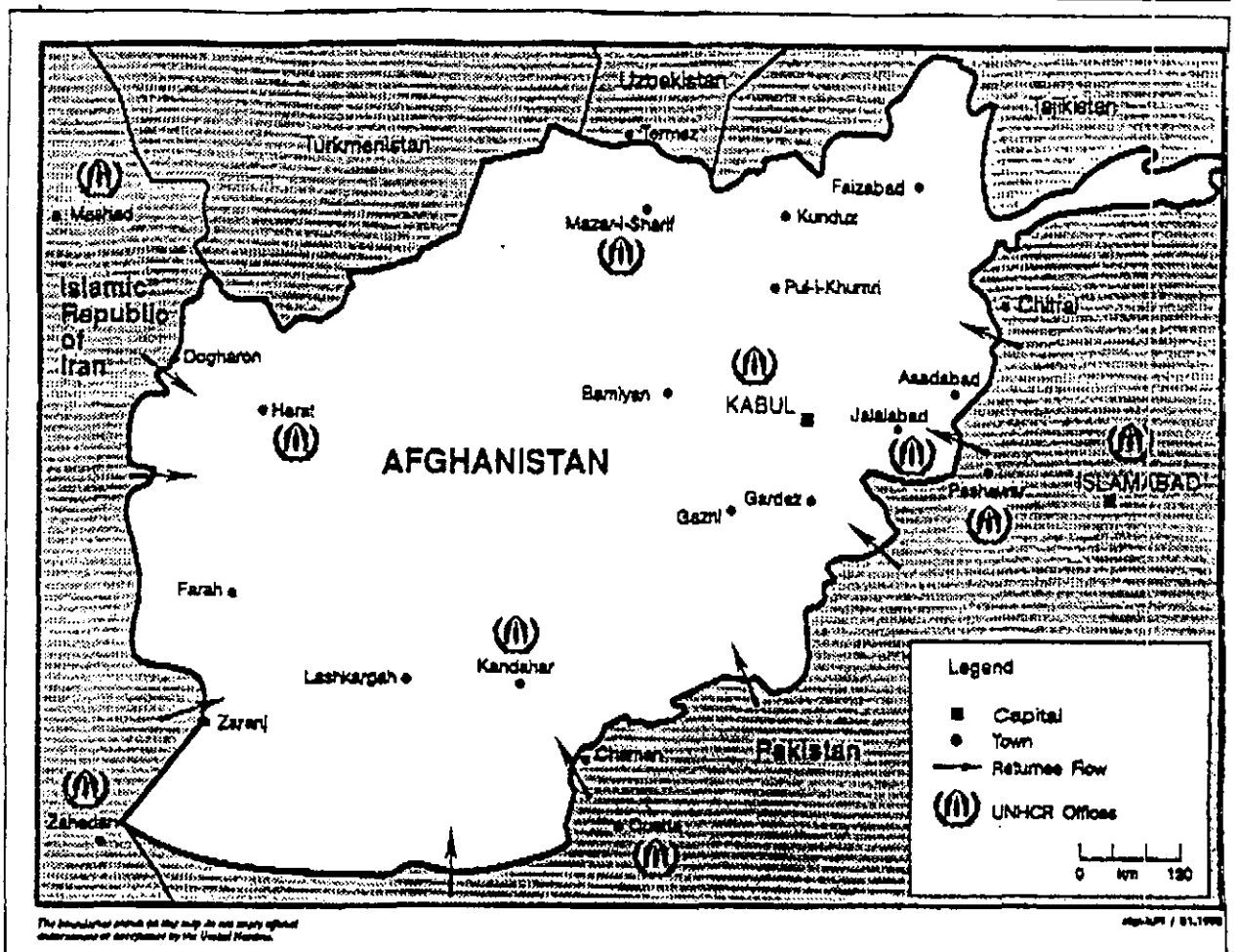

ment in April 1992, which had generated great hopes for the country's future. But political stability is far from reality.

Clashes among rival groups in the capital Kabul have sent hundreds of thousands of city residents fleeing to the countryside. The growing number of internally displaced are also in urgent need of food and adequate shelter in the winter months.

Despite the looming winter threat, repeated calls by the United Nations for greater humanitarian assistance to the refugees, returnees and displaced have failed to ignite large-scale support from the international community. Only 50 percent of the $180 million required by all U.N. agencies for voluntary repatriation and humanitarian assistance inside Afghanistan for 1992 had been pledged by year's end.

To make matters worse for the returnees and the displaced, Afghanistan was confronted with another refugee crisis in early December.

Tens of thousands of refugees fleeing clan warfare in neighboring Tajikistan sought sanctuary in northern Afghanistan. With nothing more than the clothes they were wearing, Tajik men, women and children were risking their lives to cross an icy border river. They were among tens of thousands of Tajiks camped along the former Soviet central Asian republic's border with Afghanistan.

The new refugee crisis is stretching the scarce resources of UNHCR and the other U.N. agencies and implementing partners in northern Afghanistan, where they are providing assistance to the communities trying to absorb the returnees and displaced.

Despite the enormous difficulties awaiting them back home, an estimated 2 million Afghans are expected to repatriate in 1993.

A funding appeal for 1993 has just been launched. ■

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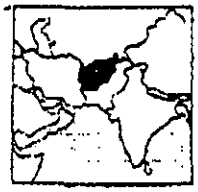

Repatriation from the Islamic Republic of Iran

On Dec. 1, 1992, 13 years after the first wave of Afghan refugees fled to Iran, UNHCR and the World Food Program began providing direct assistance to Afghans repatriating through the border crossing at Dogharon on the main road connecting the Iranian city of Mashad with Herat in western Afghanistan.

Even before the direct assistance began, an estimated 250,000 Afghan refugees repatriated from Iran in the first 11 months of the year. More than half are believed to have returned to the area surrounding Herat. The vast majority were farmers from western and northern Afghanistan.

At present, the border crossing at Dogharon is the only point where UNHCR assistance is available to the returnees. There, about 300 Afghans a day are collecting $25 in cash, 50 kilograms of wheat and plastic sheeting before beginning their long-awaited journey home. In the month after the program began, 6,926 Afghan returnees had benefitted from the assistance provided by UNHCR.

Paving the way for the UNHCR-assisted repatriation program from Iran was a tripartite agreement signed by Afghanistan, Iran and UNHCR to facilitate a voluntary, safe and orderly returns.

That agreement was followed on Nov. 27 by a Memorandum of Understanding between Iran and UNHCR that formalized their working partnership to protect, assist and seek durable solutions for close to 3 million refugees in Iran.

In 1992, UNHCR opened new offices in the Iranian provinces to assist refugees, and guaranteed freedom of movement of UNHCR staff and access to its facilities for the speedy delivery of humanitarian assistance. Iran also invited NGOs to work with Afghan refugees.

With an estimated 1 million Afghan refugees expected to return home from Iran in 1993, another four to five crossing points along Iran's eastern border with Afghanistan are expected to be opened to assist the returnees. UNHCR will also establish four transit centers inside Iran, in Tehran, Esfahan, Kerman and Birjand. From these points, returnees will be provided transport to the border. ■

Repatriation from Pakistan

From Pakistan, more than 1.5 million Afghans traded in their ration cards for 300 kilograms of wheat and a $130 cash grant per family to restart their lives in Afghanistan in 1992.

Nearly 700,000 returnees went back to eastern Afghanistan, with Nangarhar province receiving the highest number. In addition, an estimated 220,000 Afghans settled in Kandahar province in the south, and a similar number returned to the northern provinces, most of them to Kunduz and Baghlan.

About 120,000 Afghans are believed to have returned to Kabul in 1992, but some of them have been subsequently displaced as a result of the fighting in the capital.

Within the framework of UNHCR's repatriation program, the International Organization for Migration (IOM) assisted an estimated 21,000 refugees who had to travel long distances within Afghanistan. IOM also assisted transporting severely handicapped returnees and their families.

As expected, the numbers of returning refugees from Pakistan began to slow down in November for the winter and movement back was expected to remain low until spring, when up to 20 encashment and distribution points for the repatriation assistance were expected to open to meet greater demand. ■

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UNHCR presence inside Afghanistan

From June 1992, UNHCR operated field offices in Mazar-i-Sharif, Jalalabad, Kandahar and Herat and, in cooperation with other U.N. agencies and provincial authorities, provided limited assistance within scarce available resources to Afghans returning from Pakistan.

In the area of northern town of Mazar-i-Sharif, UNHCR and its implementing partners carried out 80 so-called quick impact projects involving the digging of irrigation canals and the rebuilding of 20,000 destroyed homes. In Jalalabad to the east, irrigation and water projects were underway. Most of these projects were functioning under a food-for-work scheme which has yielded very good results.

To help returnees going back to western Afghanistan, UNHCR provided assistance to about 6,000 families reconstructing their homes in Herat in 1992. In addition, returning Afghans helped clean irrigation canals under food-for-work projects in which they received wheat, sugar and a set of tools.

"Significantly more could have been achieved in 1992 had UNHCR and other U.N. agencies had more resources," said Nicholas Morris, Special Envoy of the High Commissioner for the Repatriation of Afghan Refugees. "The likely scale of needs and the many unknowns call for UNHCR to maintain a significant financial and operational capacity to intervene directly in areas of refugee return when emergencies arise or immediate needs cannot otherwise be met."

Throughout the repatriation process, UNHCR officers have kept an eye on whether refugees were voluntarily returning home. UNHCR also maintained a presence along major routes of return, the major border crossings and in the returnees' communities to monitor safety and security. ■

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The influx of Tajik refugees

By early January 1993, more than 50,000 Tajik refugees had risked their lives to cross the icy waters of the Amu Darya River on crudely built rafts to seek sanctuary in northern Afghanistan. The influx began in early December.

The new arrivals, many barefoot and most without warm clothes, had no shelter, food or medicine.

Before crossing into Afghanistan, some of the refugees had been stranded without shelter for about two weeks in a cotton field in southern Tajikistan. They were among hundreds of thousands of Tajiks who have fled their villages and towns in recent months because of the civil war among rival clans in one of the poorest of the former Soviet central Asian republics.

UNHCR, together with other U.N. agencies and non-governmental organizations, mobilized emergency supplies to assist the continuing influx into Afghanistan. UNHCR is airlifting blankets, tents, quilts, warm clothing and medicines from existing supplies in Turkey and Pakistan. Efforts were also underway with the International Committee of the Red Cross to take urgently needed assistance to the internally displaced Tajiks. ■

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The winter emergency

Even before the Tajik refugee crisis erupted, a winter emergency had been declared for Afghanistan.

At the onset of winter, 80 percent of Afghans returning from Pakistan to northern Afghanistan said they didn't have enough food for the winter, when many roads will be blocked and temperatures will plunge below zero. Afghanistan was also suffering from a severe shortage of adequate winter shelter.

In early November, U.N. Under Secretary-General for Humanitarian Affairs Jan Eliasson reminded donors in New York of the alarming situation in Afghanistan, and urgently requested $17.8 million to meet emergency needs for the remainder of the year.

An earlier appeal of $180 million, issued in June 1992 for all U.N. activities involving repatriation and humanitarian assistance to Afghanistan, had failed to generate strong support from donor nations. To make matters worse, an outbreak of hostilities in Kabul and sporadic unrest in other parts of the country caused half a million people to flee their homes. The newly displaced were competing with an unexpectedly large number of returning refugees for the limited amount of resources available in the country.

Donor response had been lukewarm throughout most of 1992 to the $62.3 million required by UNHCR to assist with the repatriation and provide shelter and blankets for returnee communities. But contributions gathered momentum at year's end. By December 31, UNHCR had received $54.6 million in contributions, and had spent or committed $52 million for repatriation activities in 1992. ■

As of 7/01/1993

CONTRIBUTIONS TO UNHCR TOWARDS

THE AFGHAN REPATRIATION OPERATION - 1992

Total Requirements: USD 62,300,000

Donor	$
Austria	46,296
Canada	2,395,833
Denmark	1,981,980
Finland	924,213
France	210,748
Japan	13,583,186
Netherlands	2,947,620
Norway	614,439
Sweden	3,894,824
Switzerland	1,287,878
United Kingdom	7,561,437
United States of America	10,780,039
European Community (IGO)	7,858,573
United nations Office of the Co-ordinator for Afghanistan (UNO)	459,070
Private (JPN)	33,213
Spain	20,869
TOTAL	54,600,218

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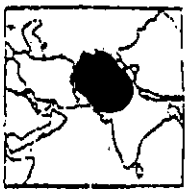

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UNHCR's 1993 requirements

An estimated $75.5 million is required by UNHCR for 1993 to cover direct assistance for approximately 2 million refugees returning from Iran and Pakistan, transportation to destinations within Afghanistan and assistance to communities absorbing the returnees.

UNHCR'S funding Requirement for 1993

	emergency humanitarian requirements	resources available	appeal requirements
	(in thousands of US dollars)		
Voluntary repatriation:			
Protection	2,500	250	2,250
Tranportation assistance	5,000		5,000
Assistance to returnee communities	10,000	2,500	7,500
Field presence & programme support	8,500	550	7,950
Assistance outside Afghanistan:			
(see also FOOD AID - encashment)			
Repatriation from Iran	27,000	4,800	22,200
repatriation from Pakistan	22,500	6,000	16,500
SUB-TOTAL	79,267	14,100	61,400

UNHCR is expecting to have $41.1 million available for operations in 1993 as a result of carryover from previous years and anticipated income early in the year. That still leaves a shortfall of $61.4 million.

The funding requirement does not include the cost of assisting the Tajik refugees in northern Afghanistan.

UNHCR's activities inside Afghanistan for 1993 include assisting the construction of an estimated 130,000 houses in returnee communities. Among other activities, UNHCR will build roads and irrigation systems worth $1.2 million in eastern Afghanistan as part of a joint project with the United Nations Development Program (UNDP). ■

Returnees from Pakistan, Paktia Province.
Photo: UNHCR / M. Elkheury

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An Afghan refugee family at the border of their home country, Nawa Pass, Bajaur District, N.W.F.P.
Photo: UNHCR / M. Elkhoury

Demining

Nearly 2,000 Afghans, trained by international experts, are employed by the mine clearance program established by the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan, formerly UNOCA.

But the lack of continuous funding is severely limiting the amount of mine clearance activity in Afghanistan. In 1992, demining had to be suspended in some areas pending new contributions. The mines, and other explosives, were laid in concentrated minefields, as individual devices, booby traps, or dropped from the air. They are found in creeks, villages, fields, tracks, canals and roads.

As the number of returnees increased, so did the number of mine-related casualties. Since April 1992, ICRC hospitals and clinics in Kabul, Peshawar, Quetta and Jalalabad recorded significant increases in mine injuries.

One report showed that an alarming 80 percent of mine victims are believed to die before reaching hospitals.

Even before the surge in repatriation caused an escalation in mine-related casualties, UNOCA had reported that 2 million people, or one person in every family, were disabled in Afghanistan.

Demining is a slow, dangerous and laborious process, but the agency estimates that priority areas could be cleared within three to five years with adequate funding.

To date, 65 million square meters have been surveyed and mapped; 21 million square meters have been cleared of mines; and some 56,000 explosive devices have been destroyed.

Provinces where mines have been cleared or are in the process of being cleared are: Badakshan, Ghazni, Parwan, Paktika, Paktia, Kunar, Helmand, Zabul, Logar, Nangarhar, Kabul, Samaghan, Takhar, Baghlan, Laghman and Bamyan. ■

The year ahead

Despite the difficulties Afghans will face when they reach home, a marked increase in repatriation is expected starting in late March 1993. Large-scale returns are forecast throughout the summer.

But UNHCR special envoy Morris says: "The situation in Afghanistan remains such that UNHCR will continue to facilitate, rather than encourage and promote, voluntary repatriation. As in any voluntary repatriation, the fundamental principle of free choice must be respected." ■

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---COUPURE DE PRESSE SUR LE HCR

COMMENTAIRE CRITIQUE DU JOURNAL DE GENEVE (DENTAN EST CORRESPONDANT POUR NU GENEVE) A L'EGARD DU ROLE D'ELIASSON COMME COORDONNATEUR ASSISTANCE HUMANITAIRE. PRESUMONS QUE CES CRITIQUES PRENNENT LEUR SOURCE AU HCNUR, QUI LUI-MEME NE SAURAIT S'ERIGER EN EXEMPLE DE COORDINATION. AU CONTRAIRE, MME OGATA ACQUIERT DE PLUS EN PLUS REPUTATION DE CELLE QUI VEUT MENER SA BARQUE SANS COORDINATION AVEC QUICONQUE, SURTOUT PAS D'ELIASSON.

DRAFTER/REDACTEUR	TELEPHONE	APPROVED/APPROUVE
P.D.	EXT.426	PAUL DUBOIS

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Le HCR intervient auprès du Comité des sanctions

Le Comité des sanctions n'a pas jugé bon jusqu'à présent de préciser le rôle des organisations humanitaires face aux sanctions.

Pendant plus d'une semaine, un convoi humanitaire du HCR (Haut-Commissariat pour les réfugiés) à destination de la Yougoslavie a été bloqué à la frontière allemande. Motif: le

Du Palais des Nations

HCR, pas davantage que l'Organisation mondiale de la Santé, le CICR et l'UNICEF, ne sont mentionnés de manière spécifique dans la résolution 757 du Conseil de sécurité concernant les sanctions contre la Serbie et le Monténégro. Sont seuls mentionnés dans le domaine humanitaire, à l'art 10, la Force de protection des Nations unies, la Conférence sur la Yougoslavie et la Mission de vérification de la Communauté européenne, dont la liberté de mouvement est garantie.

Barrières incompréhensibles

Le HCR est intervenu directement auprès du Comité des sanctions, lequel n'a pas jugé bon jusqu'à présent de préciser le rôle des organisations humanitaires de l'ONU, ou reconnues par elle. Jeudi, le CICR s'est joint au HCR pour obtenir la levée de barrières douanières incompréhensibles. Le porte-parole du HCR à Genève a fait part du «sentiment de frustration» ressenti au Haut-Commissariat qui cherche, en ce moment, à faire repartir des convois dans le nord de la Bosnie. Quant au porte-parole du CICR, il a expliqué que les convois seraient autorisés à traverser les frontières allemande et autrichienne pour autant que le contenu exact des camions soit communiqué aux douanes de ces pays. Dans l'après-midi, on apprenait que la situation avait été débloquée pour de multiples raisons: colère des camionneurs et «un mot de New York». Tardif.

Questionné sur une éventuelle intervention du coordinateur humanitaire de l'ONU, l'ambassadeur Eliasson, pour clarifier la situation, le porte-parole a précisé que le HCR était intervenu seul à New York.

Pourtant, à l'art 16 de la même résolution, il est précisé que «la distribution sans obstacles de fournitures humanitaires» serait autorisée selon l'appréciation du Secrétaire-général.

P.-E. Dentan

La coordination humanitaire entre Genève et New York fonctionne mal

L'exemple ci-dessus est éloquent: il appartenait au coordinateur humanitaire de l'ONU, l'ambassadeur Eliasson, de trouver, toutes affaires cessantes, les quelques instants nécessaires parmi ses multiples préoccupations pour présenter au Comité des sanctions la demande instante du HCR. C'est précisément pour ce cas-type qu'il a été élu à ce poste: faire le lien entre le Conseil de sécurité et les organisations humanitaires. Jusqu'à preuve du contraire, la coordination fonctionne mal.

Autre preuve: le Bangladesh et ses 268.921 réfugiés birmans inscrits sur les listes du HCR. Un accord a été conclu entre les deux pays à l'instigation de M. Eliasson, mais, soulignait hier le porte-parole du Haut-Commissariat: «Le HCR n'y est toujours pas associé». Ce dernier n'a pas l'autorisation de contrôler en Birmanie si les conditions de sécurité sont suffisantes. D'ailleurs, le flot de réfugiés ne cesse de croître. Entre 50 et 400 nouveaux arrivants passent la frontière chaque jour, souvent dans un état de malnutrition alarmant. Là encore, on ne voit pas quel rôle jouent les instances politiques à New York pour faciliter la tâche du HCR, à la suite d'un accord que l'ONU a parrainé.

Enfin, nous apprenons que le bureau de la Coordination humanitaire de l'ONU prévoit de créer une cellule opérationnelle pour le Moyen-Orient; l'idée est bonne, mais il y aura une cellule à Genève et une autre à New York. On se rend déjà compte de la confusion que va générer ce double emploi de fonctionnaires travaillant sur le même sujet.

P.-E. D.

UNCLAS / NONCLAS
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PAGE 2 OF/DE 2

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ACC | DATE
FILE 47-3-UNHCR
LOC C4-90 | C4

C O S I C S - - F O R M A L M E S S A G E

Date posted: 12-Mar-1992 10:48 EST
From: Erica M Usher ORH
USHEREMC
Dept: EXTOTT_ORH
Tel No: 943-2417

Action: Remote Adr/Dest. d'un autre sys. (GENEVA AT CDCS)

Number: U-EXTOTT-ORH-0080

Subject: DRAFT CONCLUSION: CESSATION OF STATUS
Reference: GENEV YTGR2591 27JAN92

WE HAVE RECEIVED A REPLY FROM JLO TO OUR REQUEST FOR COMMENTS ON THE UNHCR DRAFT CONCLUSION:CESSATION OF STATUS DUE TO CEASED CIRCUMSTANCES. JLO HAS PROVIDED THE FOLLOWING COMMENTS:
2.QUOTE: THE UNHCR'S PAPER IN PARA 17 STATES UNEQUIVOCALLY THAT THE DECISION TO APPLY THE CESSATION CLAUSE UNDER THE 1951 CONVENTION RESTS EXCLUSIVELY WITH THE CONTRACTING STATES (ARTICLE 1C). IT THEN REFERS TO THE ROLE OF UNHCR IN SUPERVISING THE APPLICATION OF THE CONVENTION AND NOTES THAT UNHCR COULD ASSIST GOVERNMENTS IN EVALUATING THE CHANGES IN COUNTRIES OF ORIGIN WITH A VIEW TO POSSIBLE APPLICATION OF THE CESSATION CLAUSE. IT APPEARS IMPORTANT TO RESTATE IN THE DRAFT CONCLUSION THAT IT IS THE CONTRACTING STATES' DECISION WHETHER OR NOT TO INVOKE THE CESSATION CLAUSE.
3. WE WOULD THUS PROPOSE ADDING THE FOLLOWING WORDING AS THE SECOND PREAMBULAR PARAGRAPH: QUOTE NOTING ALSO THAT THE DECISION TO APPLY THE CESSATION CLAUSE RESTS EXCLUSIVELY WITH THE CONTRACTING STATES; UNQUOTE
4. WE WOULD THEN PROPOSE THE FOLLOWING WORDING FOR THE SECOND OPERATIVE PARAGRAPH, WHICH WOULD AGAIN HIGHLIGHT THE FACT THAT STATES MAKE THE ASSESSMENT THAT COULD LEAD TO THE INVOCATION OF THE CESSATION CLAUSE: QUOTE UNDERLINES THAT AN ESSENTIAL ELEMENT IN SUCH ASSESSMENT BY STATES IS THE ENDURING NATURE OF THE CHANGES, WHICH CAN ONLY BE VERIFIED OVER TIME, MAKING USE OF THE VARIOUS SOURCES AVAILABLE IN THIS RESPECT, IN PARTICULAR HUMAN RIGHTS BODIES REPORTS AND UNHCR; UNQUOTE
5.WITH RESPECT TO THE THIRD OPERATIVE PARAGRAPH, WE SUGGEST REPLACING THE VERB QUOTE RECOGNISES UNQUOTE BY QUOTE EMPHASISES UNQUOTE. WE UNDERSTAND THAT OUR IMMIGRATION ACT WOULD ALLOW A REHEARING PROCESS AS PROVIDED FOR IN THIS PARAGRAPH.
6. WITH RESPECT TO THE LAST OPERATIVE PARAGRAPH, WE SUGGEST, FOR REASONS OF CLARITY, TO SUBSTITUTE THE WORD QUOTE KNOWN UNQUOTE BY QUOTE COMMUNICATED UNQUOTE. IN THE SECOND PART OF THE PARAGRAPH, THE FACT THAT QUOTE TO THE EXTENT POSSIBLE UNQUOTE IS ADDED TO THE WORDING IMPLIES THAT THE STATES DO NOT HAVE A HARD OBLIGATION IN THAT RESPECT. WE CAN THUS LIVE WITH THE LANGUAGE ENDQUOTE OF JLO MEMO.
7.ONE ADDITIONAL POINT NOT/NOT RAISED BY JLO IS LAST PHRASE IN

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LAST OPERATIVE PARA QUOTE AND ASSISTING REINTEGRATION IN THE COUNTRY OF ORIGIN UNQUOTE. WE WOULD LIKE TO SEE THAT PHRASE DELETED.

[redacted]

Info:	Remote Adr/Dest. d'un autre sys.	(EANDIHULL/RAB AT CD
Info:	Remote Adr/Dest. d'un autre sys.	(EXT-OFB AT CDCS)
Info:	Remote Adr/Dest. d'un autre sys.	(EXT-ORD AT CDCS)
Info:	Remote Adr/Dest. d'un autre sys.	(EXT-JLA AT CDCS)
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Info:	Message pack	(ZZZU_EXTOTT_JLO_PAC
Info:	Message pack	(ZZZU_CATS_PACK)
Info:	Message pack	(ZZZU_EXTOTT_ORH_PAC

Program code: IM (Immigration, social affairs)

Approvals: M.J.MOLLOY
Consultations: JLO CEIC

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External Affairs Canada / Affaires extérieures Canada

ACTION
SUITE A DONNER

MESSAGE

MGTC/JOURNAL/CIAC/DOSSIER
Accession/Reference

File/Dossier 38-5

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SECURITY / SÉCURITÉ: UNCLASSIFIED (BY FAX)

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RECEIVED - REÇU
DATE MAY 29 1991
ACC
DOSSIER I-M-U
FILE 47-3-UNHCR-CY
DOC 47-4-10M.CY

12 10

FM/DE: FM AMMAN RA 0722 28MAY91

TO/A: TO EXTOTT/IMU CIDAHULL/MHA

INFO:

DISTR: DISTR GGB GMR GMRD IMD IMH

REF: CIDAHULL/BCD BCE

SUBJ/SUJ: ---JORDAN: ASSISTANCE TO EVACUEES FROM IRAQ AND KUWAIT

ATTACHED FOR YOUR INFO IS LETTER CIRCULATED TO ALL MISSIONS JOINTLY SIGNED BY IOM AND UNHCR ANNOUNCING TERMINATION OF AGREEMENT BETWEEN UN AND JORDANIAN EVACUEE WELFARE CTTEE EFFECTIVE 31MAY.

2.PLS FAX 3/3 PAGES.

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DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
MICHAEL J.CHESSON/skd SIG			MICHAEL J.CHESSON SIG

EXT 5181 (83/11)

MAY 29 '91 08:34 CDN EMB AMMAN 689227 P.01
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HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

مكتب مندوب الأمم المتحدة لشؤون اللاجئين

Tel. : 691261-2
Tlx. : 24264
Fax : 691263
Cable Address : HICOMREF
P.O. Box 17101
Amman – Jordan

هاتف : ٦٩١٢٦١-٢
تلكس : ٢٤٢٦٤
فاكس : ٦٩١٢٦٣
برقيا : هيكومريف
ص.ب : ١٧١٠١
عمان – الأردن

Amman, May 20,1991
AMM/HCR/878

H.E. the Ambassador
of Canada
Amman

Excellency,

We have the honour to inform you that in agreement with the Chairman of the Evacuee Welfare Committee, The UN Agencies and IOM have decided to terminate the Agreement signed by UN and the Evacuee Welfare Committee regarding assistance to evacuees from Iraq and Kuwait.

However, as all the evacuees who came to Jordan had not been able to leave Jordan by the end of April, and as there are still few new arrivals in need of assistance, the United Nations High Commissioner for Refugees (UNHCR) - which has taken over the tasks of UNDRO in the said operation - and the International Organization for Migration (IOM) have decided, in agreement with the Government of Jordan, to pursue their activities for a few more months within the framework of the UN Regional Humanitarian Plan of Action relating to the Crisis between Iraq and Kuwait.

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It is now forseen that by the end of May 1991, IOM will cease providing transportation assistance, under the Emergency Plan of Action to third country nationals coming to Jordan after 31st May 1991. Evacuees remaining in Jordan as at 31 May 1991 will have to be referred to IOM, which will consider their possible repatriation on humanitarian grounds.

UNHCR will keep providing assistance to refugees under its mandate until a durable solution is found, but it will also stop assisting third country nationals who could come to Jordan after the end of May.

We would be grateful if, whenever possible, citizens of your country, presently staying in Iraq or Kuwait, could be made aware of these new dispositions.

n/a for Canada, believe

We avail ourselves of this opportunity to reiterate to you, Excellency, the assurance of our very high consideration.

Antonios Tsakiris
IOM Chief of Mission

Janvier de Riedmatten
UNHCR Chief of Mission

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External Affairs Canada / Affaires extérieures Canada

MGTC/DIARY/CIRC/FILE
MGTC/JOURNAL/CIRC/DOSSIER
Accession/Référence

MESSAGE

File/Dossier: 47-3-UNHCR

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C-4

SECURITY / SÉCURITÉ: PROTECTED

80DEC 89 1603

FM/DE
TO/À
INFO
DISTR
REF
SUBJ/SUJ

FM EXTOTT RBP1957 06DEC89

TO BPEST

INFO GENEV CIDAHULL/IHA/YDC VIENNA

DISTR JIP JIPH JIM RGZ RBR RBD IMH

REF YRTEL ZWIM1752 01DEC

---RE UNHCR IN HUNGARY

WHILE WE FIND YOUR ARGUMENTS COMPELLING YOU SHOULD BE AWARE THAT THE UNHCR ANNUALLY RECEIVES A GRANT FROM CIDA FUNDING FOR 7.5 MILLION FOR OPERATIONAL EXPENSES. THIS AMOUNT HAD NOT BEEN INCREASED FOR SOME YEARS AS INCREMENTAL RESOURCES ARE SIMPLY NOT AVAILABLE.

2. HUNGARY IS NOT A CIDA RECIPIENT COUNTRY (IN SPITE OF AID PACKAGE) AND IS NOT ELIGIBLE FOR SPECIAL FUNDING. IN VIEW OF THE CEILING IN PLACE FOR THE ANNUAL GRANT, THERE IS NO GUARANTEE THAT EVEN IF IT WERE ELIGIBLE, ~~WAS, THAT ANY~~ FUNDS WLD BE AVAILABLE TO SPECIFICALLY FUND THE UNHCR.

3. WE UNDERSTAND THE VALUE OF ASSISTING HUNGARY'S RESETTLEMENT COMMITMENTS AND AGREE THAT LOCAL RESETTLEMENT IS PREFERABLE TO THIRD COUNTRY RELOCATION EVEN FOR ETHNIC ROMANIANS WHO WE REALISE, WILL PROBABLY COMPRISE AN INCREASINGLY LARGER PROPORTION OF THE INFLOW.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
A.S.TOMICK SIG	RBP	992-2783	S.M.STONE SIG

000026

EXT 518-1 (83/11)

External Affairs Canada Affaires extérieures Canada

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PAGE TWO RBP1957 06DEC89 PROTECTED

4. UNFORTUNATELY WHILE YOUR PROPOSAL HAS MERIT ~~THERE IS NO~~ FUNDING CANNOT BE MADE AVAILABLE ~~FUNDING EITHER AT~~ FROM CIDA ~~OR~~ NOR ARE THERE FUNDS AT DEA. DR HUANG MAY WISH TO CONSULT WITH HIS HEADQUARTERS TO ASCERTAIN WHETHER ANY OF CANADA'S 7.5 MILLION CONTRIBUTION REMAINS UNCOMMITTED AND COULD BE DIRECTED TO HIS PROGRAM.

EXT 518-2

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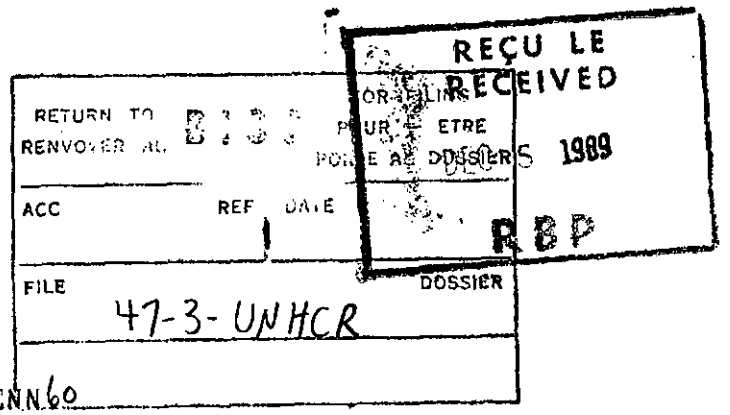
CONFIDENTIEL



C O N F I D E N T I A L

FM BPEST ZWIM1752 01DEC89

TO FXTOTT RBP

INFO GENEV CIDAHULL/IHA VIENN60

DISTR JIP JIPH JIM RGZ RGX RBR RBD IMH CIDAHULL/YDC

---UNHCR IN HUNGARY

SUMMARY:UNHCR REP IN HUNGARY,HUANG WEN-HSIEN,HAS INDICATED UNHCR HAD FAILED TO REALIZE OBJECTIVE OF RAISING US DLRS 5.2 MILLION TO ASSIST RAPIDLY GROWING NUMBER OF ROMANIAN ASYLUM SEEKERS/REFUGEE CLAIMANTS IN HUNGARY AND HAS ASKED WHETHER CDA MIGHT RECONSIDER DECISION AGAINST CONTRIBUTING TO FUND(CIDAHULL/IHA TEL 0344 07JUN REFERS).DR HUANG SUGGESTED CONTRIBUTION OF BETWEEN US DLRS 200-300,000.WE BELIEVE IT WLD BE IN CDAS INTEREST TO ASSIST EFFORTS DIRECTED TOWARDS REFUGEE RESETTLEMENT WITHIN HUNGARY IN ORDER TO REDUCE POSSIBILITY THAT HUNGARIANS MAY CALL ON CDA TO TAKE SOME ROMANIAN REFUGEES.POSITION OF HUNGARY AS EFFECTIVE RECIPIENT OF CDN AID INDICATES WEAK STATE OF HUNG ECONOMY.

2.REPORT:UNHCR REP IN HUNG,DR HUAN WEN-HSIEN,MADE COURTESY CALL ON AMB ON OPENING OF UNHCR OFFICE IN BPEST.HE PROVIDED INFO ON MONIES PLEDGED BY COUNTRIES INTERESTED IN CONTRIBUTING TO UNHCRS 5.2 MILLION DLR 1989 COMMITMENT TO HUNGARY.CONTRIBUTORS AND US DLR AMOUNTS DONATED ARE AS FOLLOWS:AUSTRIA-72,464;FINLAND-344,417; NETHERLANDS-235,489;SWITZERLAND-154,321;AND USA-500,000.IN ADDITION TO FOREGOING,HE INDICATED THAT FINLAND WLD BE CONTRIBUTING AN

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ADDITIONAL 344,000 AND THAT FRG HAD PLEDGED 1.5 MILLION.SINCE START-UP COSTS CONSTITUTE LARGE PART OF THIS YRS BUDGET,HE SAID THAT NEXT YRS BUDGET WLD BE CONSIDERABLY MORE MODEST.WHILE 1.1 MILLION HAD BEEN BUDGETED,DR HUANG THOUGHT THAT 2.5 MILLION MIGHT BE MORE APPROPRIATE.

3.DR HUANG EMPHASIZED TH HGARY WAS RESETTLEMENT COUNTRY AND THAT UNCHR FINANCIAL SUPPORT WAS TO BE PRIMARILY DIRECTED TOWARDS ESTABLISHING ADEQUATE INFRASTRUCTURE FOR RECEPTION AND CAR OF REFUGEES AT THREE ADMISSION CENTRES.UNHCR WLD ALSO BE ASSISTING HUNG GO

AUVT TO STRENGTHEN INSTITUTIONAL CAPACITY FOR INTEGRATION OF REFUGEES INTO EXISTING SOCIAL PROGRAMMES.ALTOUGH NUMBERS OF ETHNIC ROMANIANS CORSSING FROM ROMANIA INTO HUNGARY CONSTITUTE SIGNIFICANT PROPORTION OF TOTAL,ETHNIC HUNGAIANS WHO CLD BE MORE READILY INTEGRATED INTO HUNGARIAN SOCIETY REMAINED IN THE MAJORITY. MINISTRY OF INTERIOR FIGURES FOR SEP89 INDICATE THAT OF 2618 ROMANIANS WHO REGISTERED WITH GOVT,254 WERE MF GERMAN ETHNIC ORIGIN,705 WERE OF ROMAMIAN ETHNIC ORIGINA DN 1559 WERE ETHNIC HUNGARIANS.OCT89 FIGURES ARE 362 ETHNIC GERMANS,1021 ETHNIC ROMANIANS AND 1258 ETHNIC HUNGARIANS FOR TOTAL OF 2641.FIGURES FOR NOV ARE NOT/NOT YET AVAILABLE.WHILE DR HUANG WAS CAREFUL TO NOTE THAT LONG TERM TRENDS CLD NOT/NOT BE DEDUCED FROM RECENT STATISTICAL INFO,WE ARE NONETHELESS STRUCK BY INCREASE IN NUMBERS OVER SUMMER MONTHS.1300 ARRIVE IN JUL AND 1700 IN AUG.2618 WERE REGISTERED IN

...3

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SEP AND 2641 IN OCT.SUBTRACTING THOSE WHO HAVE EITHER RETURNED TO ROMANIA OR PROCEEDED ON TO THIRD COUNTRIES,BY END OF OCT THERE WERE 24,032 REGISTERED ROMANIANS IN HUNG OF WHOM 18,516 ARE ETHNIC HUNGARIAN,4384 ETHNIC ROMANIAN AND 1132 ETHNIC GERMAN. ALSO IMPORTANT TO NOTE THAT PERCENTAGE OF ETHNIC ROMANIANS HAS GROWN FROM APPROX 5 PCT IN EARLY MONTHS OF INFLUX TO OVER 30 PCT DURING MORE RECENT MONTHS.DURING OCT,ETHNIC ROMANIANS COMPRISED 39 PCT OF TOTAL.

4.DR HUANG WAS OF OPINION THAT WHEREVER POSSIBLE,LOCAL RESETTLEMENT WITHI HUNGARY WLD BE PREFERABLE TO ARRANGING RELOCATION TO THIRD COUNTRY.HUNGARIAN GOVT,HOWEVER,HAS FULLY UTILIZED RESETTLEMENT FUND ESTABLISHED IN MAR88.IN VIEW OF DETERIORATING ECONOMIC CONDITIONS WITHIN COUNTRY AND MULTIPLE DEMANDS BEING MADE ON HUNGARYS LIMITED FINANCIAL RESOURCES,FUNDING CHANNELLED THROUGH UNHCR WLD SERVE NOT/NOT ONLY TO ASSIST RESETTLEMENT PROGRAMME BUT ALSO TO SIGNAL TO HUNGARIAN GOVT OUR SUPPORT FOR THEIR EFFORTS. POINT WAS ALSO MADE THAT ANY CONTEMPLATED OFFTAKE TO RESETTLEMENT COUNTRIES WLD NEED TO OPERATE ACCORDING TO WELL-DEFINED SELECTION CRITERIA.FIRST-TO-THE-DOOR POLICY CLD RAISE FALSE HOPES AND ENCOURAGE EVEN LARGER INFLUX TO HUNGARY.

5.WE HOLD VIEW THAT IT WLD BE IN CDAS INTERESTS TO ENCOURAGE RESETTLEMENT IN HUNGARY,PARTICULARLY SINCE TRANSYLVANIAN MAJORITY ARE OF HUNGARIAN DESCENT.SHLD CDA WISH TO CONTRIBUTE TO RECEPTION

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AND INTEGRATION OF REFUGEES THROUGH AUSPICES OF UNHCR,DR HUANG SUGGESTED CONTRIBUTION OF BETWEEN 200,000 AND 300,000 WLD BE HELP-FUL.WE PROMISED WE WLD RELAY REQUEST TO OTT AND INDICATED THAT WE WERE SURE IT WLD BE GIVEN THE CAREFUL CONSIDERATION IT DESERVED. DR HUANG AT SAME TIME INDICATED THAT UNHCR WLD INITIATE DIRECT APPROACH TO CDA FOR FINANCIAL ASSISTANCE EITHER THROUGH GENEV OR THROUGH OFFICE IN OTT.SHLD THIS OCCUR,WE WLD RWKE TO BE CONSULTED BEFORE DECISION REACHED.

6.IN OUR VIEW,IT WLD BE PREFERABLE TO ENCOURAGE HUNGARIANS TO SETTLE REFUGEES HERE SO AS TO REDUCE POSSIBILITY OF HUNGARIANS APPROACHING US TO TAKE SOME REFUGEES OFF THEIR HANDS.ONE FACTOR THAT SHLD BE BORNE IN MIND IS THAT HUNG,WITH INTRODUCTION OF ASSISTANCE TO HUNG AND POLAND,HAS BECOME EFFECTIVE RECIPIENT OF CDN AID.IMF TEAM NOW HERE IN BPEST DOES NOT/NOT EXCLUDE RESCHEDULING OF HUNGARYS ENORMOUS FORIEGN DEBT IN COMING MONTHS.

CCC/109 0114482 ZWIM1752

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EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

TO / À: The Under-Secretary of State for External Affairs, Ottawa/JIMH

FROM / De: Permanent Mission of Canada, Geneva

REFERENCE / Référence:

SUBJECT / Sujet: International Thesaurus of Refugee Terminology

SECURITY / Sécurité: UNCLASSIFIED

DATE: October 25, 1989

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA
MISSION
47-3-UNHCR

ENCLOSURES / Annexes: X

DISTRIBUTION

W/O Attach.

CIDAHULL/MHA

EANDIHULL/
REF AFFAIRS

B110 C-4

89/018
47-3-UNHCR

We are forwarding for your attention a single copy of the above publication for distribution as appropriate.

2. We were not aware that the publication of this document was supported by an IDRC grant. Although this must have been authorized several years previously, its release at the same time that UNHCR is facing its most ever financial crisis strikes a somewhat jarring note and raises questions about whether the funds and staff resources required could not have been put to better use.

(for) the Mission

O Rynard
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until
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cc. Amb. Marchand (GR)

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

Télégrammes : HICOMREF
Télex : 415740 UNHCR CH
Téléphone : 739 81 11
Téléfax : 731 95 46

Case postale 2500
CH-1211 Genève 2 Dépôt

18 October, 1989

Excellency,

... It is with great pleasure that I am able to present you with a copy of the newly-published International Thesaurus of Refugee Terminology.

It is the product of many years of hard work by a coalition of UNHCR staff, NGOs and individual experts, and was financially supported by the International Development & Research Centre (IDRC) in Canada.

As it is a rather "technical" and expensive document, it may not be very apt for indiscriminate distribution, but I believe its existence constitutes enormous progress for refugee information and documentation work in the longer term.

The French and Spanish versions are in preparation and we hope that they will be published in April next year.

The staff of the Division, and in particular those of the Centre for Documentation on Refugees (CDR), have put very considerable efforts into its development and publication, and we are extremely grateful that Canada - through the IDRC - has been willing to associate itself with this project.

With my deepest appreciation,

Ghassan Arnaout,
Director,
Division of Protection, Refugee Law and Doctrine

His Excellency,
Mr. de Montigny Marchand,
Ambassador,
Permanent Mission of Canada
to the United Nations Office
at Geneva,
1, chemin du Pré-de-la-Bichette,
1202 Geneva.

1987-08-31 16:01 PERMIS_GENEVE 022 34 79 19 P.02

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UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/AC.96/694
3 August 1987

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Thirty-eighth session

ACC 516899 REF DATE
FILE 47-3-UNHCR DOSSIER

Note on International Protection

(submitted by the High Commissioner)

SUMMARY

A description of developments in 1986 in the field of international protection of refugees is contained in the Report of the United Nations High Commissioner for Refugees to the General Assembly (Document E/1987/56). A summary covering the first six months of 1987 is included in the Overview of UNHCR Activities (Document A/AC.96/696).

The present Note analyses the current state of the international protection of refugees in the areas of asylum and non-refoulement procedures for the determination of refugee status as well as standards of treatment of refugees with particular emphasis on their right to security. Furthermore, the Note examines international protection of refugees in the context of voluntary repatriation. Finally, the Note addresses additional aspects of the international protection of refugees.

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External Affairs Canada / Affaires extérieures Canada

MESSAGE

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File/Dossier 47-1-1

SECURITY / SÉCURITÉ: UNCLASSIFIED

FACSIMILE (PAGE 1 of 20)

FM/DE: FM GENEV YTGR 5362 31AUG87

TO/À: TO EXTOTT JID

DELIVER BY 310830

INFO: INFO PMOOTT/BURNEY PCOOTT/PROTTI EANDIHULL/BISSETT/GIRARD de OTT
WSHDC/HEINBECKER PRMNY/HOM

DISTR: DISTR USS DMC JFB JLO JIMH IFB

SUBJ/SUJ: ---IMMIG LEGISLATION:C84

ATTACHED NOTE ON INNATL PROTECTION BY UNHCR IS OF DATED AUG 4 ~~DIRECT~~ RELEVANCE TO PART OF DIALOGUE ON CDN LEGISLATION.

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INTRODUCTION

1. It is the responsibility of the United Nations High Commissioner for Refugees to provide international protection to refugees and to seek permanent solutions to their problems. The link between these dual functions, the nature of protection and the means for its promotion, were explained in the opening paragraphs of the Note on International Protection submitted to the thirty-seventh session of the Executive Committee.1/ Certain points must nevertheless be reiterated.

2. First, international protection is self-defined, to a large extent, in the light of the specific needs of a particular group of persons in search of a solution to their plight. UNHCR's responsibilities are to those persons who fall within its mandate, either under the definitional provisions of the Statute, or by reason of the authority conferred by subsequent General Assembly Resolutions. In principle, UNHCR's concern for refugee protection covers the whole spectrum from the causes of flight to the refugee's eventual re-establishment in a stable community. The positive duties ascribed to the Office allow it little or no choice of whom to protect; at the same time, provided a sufficient connection is established with its mandated objectives, there are few restrictions on the range of rights and interests that fall within the competence of the High Commissioner.

3. The exercise of the protection function not only involves the use of law and diplomacy, but also possesses a physical dimension, made manifest by action to reduce the dangers of flight, promote rescue, resettle the endangered, or help the victims. At times a legal principle is interposed between threatened action and the refugee; at others, it will be the very presence of a UNHCR officer. In all cases, effective protection will depend on the fullest co-operation between the Office and States, and with other inter-governmental agencies and non-governmental organizations. Information must be shared between them for success will always require the accurate identification of situations producing flight, and of groups and individuals in need.

4. A wide variety of legal instruments is available to UNHCR in the exercise of its protection function. Some focus not only on the particular class to be protected, identified at a universal, regional or national level, but also on the general issue of standards of treatment. In this context it is encouraging to note that there has been two further accessions in the period under review to the 1951 United Nations Convention relating to the status of refugees and/or its 1967 Protocol, bringing to 103 the total number of States parties to the basic treaties.

5. Other international human rights instruments are also of importance. It is human rights which explains the concern of the international community for the protection of refugees. Similarly, the protection of human rights of refugees constitutes an important element of UNHCR's protection function and human rights structures the solutions to refugee problems.

6. More States have recognized the value of incorporating international standards into domestic law and, in particular, of instituting or developing procedures for the determination of refugee status. UNHCR has been regularly consulted by several countries on draft legislations and continues its active participation in the implementation of national procedures. This co-operative endeavour enables the Office to advise, from the perspective of its experience

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and of established principles, on the likely positive or negative consequences of proposed changes. In the procedural context, it is also able to provide appropriate legal and related information, as well as to monitor developing standards, to represent the international community's interest in maintaining the principles of protection, and to encourage a consistent and humanitarian response to the situation of those in need. A number of municipal courts are taking an increasingly active role in refugee matters, recognizing the human rights dimension and the necessity for careful procedures where matters of life and liberty are at issue.

7. Despite continuing overall adherence to established principles, there has been a disquieting tendency for States to resort to a variety of measures which not only endanger the immediate protection of refugees, but also frustrate the attainment of durable solutions; they affect asylum practices, procedures, standards of treatment, the security of refugees, and voluntary repatriation.

ASYLUM

8. Asylum is the sum total of protection provided by a State to refugees on its territory and in the exercise of its sovereignty. There is no agreed definition of the term, nor great uniformity as to its content in practice. Asylum is often equated, however, with continuous protection in conditions which will afford the refugee the opportunity to become part of a new community. In this sense, asylum is a durable solution, either in the country of first refuge or in a third country, after resettlement. The minimum appropriate standards of asylum are reflected in the rules laid down, for example, in the 1951 Convention: non-discrimination, freedom of religion, juridical status, freedom of movement, access to the courts, to education, to employment and related rights. Fundamental rights are buttressed by limitations on the power of expulsion and by the mandatory principle of non-refoulement, while the objective of a durable solution is to be facilitated through assimilation and naturalization.

9. States have continued to grant asylum to refugees who flee from persecution and from other threats or danger, but a substantial proportion of those in need of protection today obtain only temporary asylum and find it increasingly difficult to benefit from durable solution.

10. In several situations, in different parts of the world, the only form of relief available is temporary accommodation in refugee reception centres, pending voluntary repatriation or third country resettlement. The establishment of long-term refugee camps and settlement and their location close to the border of the refugees' country of origin may give rise to inter-State tensions, with resulting harm to refugees. Security in camps is often wanting, and living conditions commonly create a situation of apathy and indifference among the refugees which threatens their present welfare and future prospects for reintegration. The problems are exacerbated in camps where often only limited education facilities are provided and where opportunities for even a modicum of self-sufficiency are not available. Education and employment are among the most fundamental needs of refugees, as with people generally, and the provision of limited facilities, which may be understandable in the short-term, prove to be inadequate when the refugee situation - as frequently happens - becomes protracted.

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11. Temporary solutions have, of course, their place in the overall scheme. Camps and reception centres can facilitate the provision of food or urgent medical assistance, and can often be areas of effective initial protection for those in flight. But where temporary camps, particularly closed camps, begin to acquire a degree of permanence, they give rise to other protection problems. Tension erupts, leading to a breakdown of law and order and threats to physical safety; psychological hardships and continuing dependency on international assistance frequently result in obstacles to integration, whether in the country of durable asylum or in the country of origin. International protection and the search for permanent solutions must be seen as a continuum, and efforts made to find answers outside closed camps; only thus will refugees be spared such problems.

12. Large numbers of refugees, particularly in Africa and West Asia, have found effective asylum in villages and other rural settlements. In many such cases the eventual return of the refugees to their homes in their countries of origin is anticipated, but still remote. Governments of countries of asylum have recognized that the interests and welfare of the refugees are best served through protection of their status, accompanied by assistance and self-sufficiency programmes linked to national development schemes, and allowing refugee-host community contacts. In other countries, the absence of the necessary infrastructure of support has sometimes made the task of protection more difficult; this can result in increased, but not always appropriate, resort to the resettlement alternative.

13. In other more developed countries, asylum is often ineluctably conditioned on success in negotiating complex administrative or judicial procedures. One of UNHCR's major objectives is the promotion of the establishment of fair and expeditious procedures for the determination of refugee status and the grant of asylum, the importance of which was recognized by the General Assembly in its 1986 resolution[2/]. Some forty-nine States party to the 1951 UN Convention and/or 1967 Protocol have now established formal procedures,[3/] but too often the duration of the process of determining refugee status has escalated the costs in administrative and managerial terms, but especially in human terms; an uncertain status over a protracted period, together with work, education and movement restrictions, severely undermine individual dignity and well-being.

14. Regrettably, certain negative tendencies continue. Many States have reacted to what they perceive to be an uncontrolled or uncontrollable flow of refugees, asylum-seekers and others simply searching for a better life. Throughout the period under review, the High Commissioner has urged States to refrain from adopting unilaterally restrictive measures which ignore the need for solutions. Present flows are often characterized as an aspect of the south-north phenomenon, but while movements from developing to more developed countries are evident, information available to UNHCR indicates that there is no single or exclusive pattern. What is clear, however, is that the motivations of the refugees moving onwards from one country to another are commonly the same, namely, insecurity and the seeming absence of a permanent solution.

15. The High Commissioner has continue to encourage the process of international consultations. In pursuit of the mandated objectives of the Office, the High Commissioner's efforts have focussed on both immediate protection and durable solutions, to be developed on a foundation of co-operation. UNHCR considers that unilateral restrictive measures affecting refugees such as visa requirements, airline sanctions and airport screening

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may address certain national concerns but, by merely moving problems sideways, contribute nothing to meeting the responsibility of the international community to find solutions to the problems of refugees. Restrictive measures have been implemented in Europe and North America, and the examples can be found repeated in Asian and African countries. This tendency is not yet universal, however. One State in Europe recently allowed some 60 "orbit" cases to enter, at UNHCR's request; another has strengthened procedural guarantees in its new process. In Asia, one State which does not generally allow the readmission of refugees who move on spontaneously, nevertheless grants 12 months residence permits to one particular group of refugees, on the basis of UNHCR's certification; extension of this practice to other groups is under consideration. Elsewhere, other States are finding that, while the announcement of restrictive measures may be relatively easy, their effective implementation depends almost as much upon international co-operation, as would a more solution-oriented approach.

16. The High Commissioner is fully aware of those issues which give cause for concern among States: the deliberate destruction of travel or other similar documents, the operation of the filières which trade on the misery and the hopes of others, the unpredictability of certain types of arrival, and the sheer numbers of those applying for refugee status or asylum. Refugees in need of protection will always figure among these arrivals, but at present they are the victims of a confusion of issues. There is indeed a growing tendency by some States to assimilate the problem of refugees and asylum-seekers with that of terrorism, narcotics trading or violence. There is no evidence of any link between one set of problems and the other, and it is to be regretted that a sense of insecurity among States is contributing to an erosion of minimum standards for the treatment of refugees and asylum-seekers.

17. The High Commissioner is especially concerned about the increased likelihood of "accidental" refoulement generated by the various restrictive measures cited above. The oft-stated aim of such measures is to combat abuse by sifting out manifestly unfounded applications and so benefitting "real" refugees. Restricted access to procedures, however, generally means that no well-informed and appropriate decision is in fact taken on a claim to refugee status. The necessity for protection is ignored in preference to prompt removal to a transit or embarkation point, with the frequent automatic consequence of further administrative removals.

18. Much of this insecurity is due not so much to the number of refugees and asylum-seekers as to the absence or non-application of appropriate rules or principles ascribing responsibility in particular situations; and to regression in international co-operation to share in solving refugee problems. It is perhaps natural that any perceived insecurity should encourage States to maximize their own self-interest. It should not be imagined, however, that even if restrictive measures are of immediate utility, long-term damage to the system of protection will be avoided. An alternative response, founded on protection principles and geared to solutions, must be developed; in this way it will be possible to reconcile the interests of States, of the international community, and of refugees.

19. Article 14 of the Universal Declaration of Human Rights declares the right of everyone "to seek and to enjoy ..." asylum from persecution. Visa requirements, airline sanctions, detention, tighter preliminary screening and unreasonably high standards of proof relating to fear of persecution in countries of origin limit access to procedures and can all frustrate the

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spirit, if not the letter, of this Article, which has been reiterated in many universal and regional instruments, including Article 1 of the 1967 United Nations Declaration on Territorial Asylum. Those in need of protection are unable to obtain it, and at the same time other members of the international community are frequently called upon to bear more than a reasonable measure of responsibility for the resolution of claims. There is a growing perception among some States of a degree of selectivity in refugee recognition by others, that borders on the discriminatory.

20. Further reason for concern is to be found in the increasing emphasis being given to the discretionary element in the grant of asylum to refugees, and to a continuing tendency in some regions to stress temporary, rather than durable asylum. In the view of the High Commissioner, both the refusal of asylum to recognized refugees and the provision of only temporary asylum to refugees must be limited to exceptional cases; the principal objective, which is a permanent solution to the plight of the refugee, must be given paramount consideration. Practices of limited protection are frequently the source and the cause of increased and unpredictable demands on other States.

NON-REFOULEMENT

21. The peremptory character of the principle of non-refoulement remains generally recognized, and most States have continued to abide by the rule, even when faced with a variety of difficulties, including massive numbers of arrivals and fragile political relations with countries of origin. Exceptions do occur, however, and in one country over 100 cases of refoulement were reported in two separate incidents. In another country, even more cases of refoulement are believed to have taken place, notwithstanding repeated démarches by UNHCR. Such forced returns affected both those whose status within the mandate had been formally determined by UNHCR, as well as others in search of asylum and who were attempting to contact the appropriate authorities.

22. The refoulement of certain political, or high-profile, refugees also took place. When UNHCR took up these cases, it was assured by the relevant authorities that mistakes had been made and would not be repeated. Even so, threats of such action are still common. On several occasions, the Office was required to resettle refugees urgently in order to avoid their forcible return. In such situations, the concerted practical and political support of States is essential if the fundamental principles of protection are to be preserved.

23. The High Commissioner wishes to reiterate, in line with the general practice of States, that the principle of non-refoulement is equally applicable to asylum-seekers who are awaiting a determination of their status. This consequence flows from the declaratory nature of such determinations and the peremptory character of the principle in question. In this connection, the High Commissioner again calls the attention of States to the right of everyone to seek asylum and to that aspect of the principle of non-refoulement which enjoins States to non-rejection at the borders. This principle is reaffirmed in Article 3(1) of the 1967 United Nations Declaration on Territorial Asylum, adopted by United Nations General Assembly Resolution 2312 (XXII), Resolution (67) 14 on Asylum to Persons in Danger of Persecution adopted by the Committee of Ministers of the Council of Europe, Article II(3) of the 1969 OAU Convention governing the Specific Aspects of Refugee Problems

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in Africa, and in Executive Committee Conclusion No. 22, adopted at the thirty-second Session.

24. In the view of the High Commissioner, respect for the principle of non-refoulement can be most effectively ensured if substantive decisions are taken expeditiously on claims to refugee status and asylum. Recent discussions in the Council of Europe on responsibility to determine such claims have rightly focussed on the primary responsibility of the first country of refuge; for every State has the duty to ensure and protect the basic human rights of all persons within its territory or jurisdiction. But, as a practical matter, if agreement is not forthcoming on arrangements for return to that country in order to complete the process, and on ways and means to share the burden otherwise borne by first asylum countries, then the responsibility inevitably devolves on whichever other State may be faced with the demand of the individual. This responsibility arises by virtue of the claim itself (to be protected and not to be refouled), and because it is the State which must initiate action to remove the individual either to his or her country of origin, or to an unsecured destination (with the possibility of successive refusals of entry, "shuttlecocking" and eventual refoulement). Substantive decisions on whether a claim to protection is justified would also be to the advantage of States and would enhance the integrity of the established system. Only after a decision as to refugee status has been taken can a State effectively ensure, in most cases, that its actions thereafter are in accord with its international obligations.

PROCEDURES FOR THE DETERMINATION OF REFUGEE STATUS

25. In its Conclusion No. 8 (XXVIII) on the determination of refugee status adopted in 1977, the Executive Committee recommended that asylum applications always be referred by immigration or border officials to a central or higher authority; that applicants receive guidance as to the procedure to be followed and be provided with a competent interpreter if necessary; that appeal against negative decisions be allowed; that the applicant be permitted to remain pending an initial decision (unless the determining authority establishes the claim to be clearly abusive), and pending the outcome of any appeal.[4] In 1979, the Executive Committee examined the problem of refugees without an asylum country (including so-called refugees in orbit) and recommended that efforts be made to identify positively the country responsible for examining an asylum request. Asylum should not be refused solely on the ground that it could be sought in another State, and failure to fulfil formal requirements, including time limits, should not ipso facto lead to exclusion.[5]

26. In 1982 and 1983, the Executive Committee addressed the problem of manifestly unfounded or abusive applications for refugee status, i.e. those which "are clearly fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees nor to any other criteria justifying the granting of asylum". The Executive Committee recognized that determinations in such cases nevertheless have a substantive character and so require appropriate procedural guarantees. It consequently stressed the necessity, in all cases, for applicants to receive "a complete personal interview by a fully qualified official and, whenever possible, by an official of the authority competent to determine refugee status"; that this authority alone should determine the character of such unfounded or abusive applications; and that review be available prior to rejection at the frontier or removal. The Executive

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Committee recognized that review procedures could be simplified for such cases, but also that overall problems stemming from large numbers of applicants could be resolved by the allocation of sufficient resources and by reducing delay in the process.9/

27. Procedural standards, in their detail, will necessarily reflect principles drawn from both domestic and international law. The Executive Committee has acknowledged that an oral examination, preferably before the refugee status decision-maker, is central; experience also indicates that this is a critical element in ascertaining the facts and assessing credibility. The very nature of the determination process justifies presuming credible testimony as true; a consistent body of evidence relating to conditions in the country of origin will often allow or even require inferences favourable to the applicant. In one notable case in one country, the highest court recently ruled that the notion of well-founded fear does not require a showing of a clear probability, or greater than 50 per cent likelihood of persecution. Other courts are also increasingly involved in upholding procedural standards, recognizing that serious issues of life and liberty are inherent in refugee claims.

28. Decisions on access and admissibility, however, are now frequently left to officials other than those directly involved in the determination process, who exercise broad policy or discretionary powers. Similarly, there have been moves in several countries to eliminate or reduce review or appeal levels; this is likely to result in a loss of consistency and uniformity among determining bodies and increased chances of erroneous decisions. The Executive Committee has recognized the necessity for procedural guarantees, and that technical issues should not stand in the way of substantive decisions. The High Commissioner urges States to continue to abide by established procedural principles, in order to minimize the possibility of refoulement.

INTERNATIONAL STANDARDS FOR THE TREATMENT OF REFUGEES

29. The protection of refugees involves the application of legal rules and of sometimes more diffuse international standards. The 1951 United Nations Convention and the 1967 Protocol offer a framework of rules, often now exceeded by States in their practice, which will assist the refugee to re-establish life in a new community. Other relevant human rights instruments provide further guidance for the provision of solutions to refugee problems. Recent experience shows that successful protection depends greatly on co-operation and solidarity, in the pursuit of solutions; it is no exaggeration to attribute some of today's most pressing protection problems, including those stemming from the phenomenon of spontaneous onward movements, to deficiencies both in the system for international co-operation and solidarity between States and in the rules of refugee law.

30. The Office welcomes the steps taken by many States to incorporate international standards of protection into their administrative and legal systems. Measures of implementation are an essential pre-condition to effective application; they are a further reflection of the general obligation to ensure and protect human rights, and to provide a remedy for actual or threatened violations. The Office is available to share its experience of a wide variety of different systems, and its jurisprudential and documentary resources. This is done now through the regular activities of the Division of

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Refugee Law and Doctrine, including the Centre for Documentation on Refugees. The High Commissioner hopes to strengthen the capacity of the Office to assist and advise in these fields, and also to contribute to the training of decision-makers and practitioners, both in refugee law and in the principles and process of refugee status determination.

31. General standards of treatment of refugees have been widely adhered to, and sometimes exceeded, but disquieting tendencies remain. In some situations, refugees are still targets for discrimination, either because of their status as refugees, or because of their particular racial or religious origins. Other refugees at odds with their political leadership, may find themselves subject to "disciplinary measures" beyond the rule of law, and may even be likely to become refugees twice over. Sometimes only particular national or racial or religious groups are treated as refugees, so that others are excluded from employment or from the enjoyment of Convention/Protocol benefits. Two States are currently regularizing the illegal status of non-nationals, which will benefit many thousands of hitherto unrecognized refugees.

32. At the same time, however, restrictive measures elsewhere are leading to the creation of refugee sub-groups who are denied formal recognition, but not deported; they are left in a legal and social limbo, unable to work and denied assistance. It will be recognized that the continued exercise of such practices constitutes a serious infringement of human dignity and integrity. Both national and international systems of protection need to be respected to remedy this situation; otherwise humanitarian standards will be in jeopardy and the prospects for effective solutions diminished.

33. The Executive Committee has acknowledged that the concern of the international community extends to the treatment of asylum-seekers, as well as to that of recognized refugees. In 1981, it formulated a set of 16 basic principles of humane standards to govern the treatment of refugees and asylum-seekers in situations of mass influx.7/ In 1986, it recommended that the detention of refugees and asylum-seekers remain an exceptional measure, to be applied only in certain limited circumstances.8/ Many States have also stressed that detention should never be resorted to for purposes of deterrence. Nevertheless, detention continues in many countries in different regions, sometimes on "security" grounds, in the ordinary immigration context, as a consequence of general police measures, or in order to put pressure on resettlement countries. One country, however, recently stepped-up the issuance of identity cards to refugees, recognizing that these can be an important protection against arbitrary detention. The High Commissioner is nevertheless concerned that emerging restrictive practices may lead, even if indirectly, to detention, "orbit cases" and a general deterioration in basic standards of treatment. States are again urged to ensure respect for the dignity and integrity of individual refugees and asylum-seekers.

SECURITY OF REFUGEES

34. The refugee concept reflects international recognition of the need and the right of a certain class of persons to international protection. The basic minimum elements of this protection consists of the enjoyment of fundamental human rights necessary for survival in safety and dignity. This implies protection from loss of life, injury and other bodily harm, as well as from any other action which might endanger the safety and dignity of

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refugees. It also includes protection from threats of this nature. The right of refugees to security, as the fundamental element of this protection, is fully recognized in international law.

35. The security of refugees has increasingly been at issue, be it during flight, in countries of refuge or in connection with return to their country of origin. It is now one of the foremost issues of refugee protection. The attention of the international community has been drawn to violations of the security of refugees in the context of refugees in distress on the high seas and those subjected to piracy attacks during their flight, military and armed attacks on refugee camps and settlements and the protection of refugee women and children. These violations of the security of refugees continued in 1986 and 1987.

36. States and UNHCR have taken appropriate action in an attempt to ensure the security of refugees. For example, efforts to curb piracy attacks on asylum-seekers in the waters of South-East Asia were continued under an enlarged Anti-Piracy Programme established by the Royal Thai Government in co-operation with UNHCR and funded by several donor countries. The number of attacks decreased in 1986 for the third consecutive year. The percentage of boats attacked varied between 13 and 19 per cent, depending on the route taken, while the average of boats attacked in 1985 was 24 per cent. Even though the frequency of attacks decreased, the level of violence remained an area of serious concern. In 1986, 18 persons died and 143 were reported missing; in addition, 64 persons were abducted and 141 women were victims of sexual abuse and exploitation. Similar violence during the first half of 1987, although continuing on a downward trend, demonstrates a clear need to maintain the Anti-Piracy Programme with the broadest possible support from the international community.

37. Other measures were adopted to provide for the security of refugees in flight. Again, in the waters of South-East Asia, some 2,591 refugees were rescued at sea in 1986. Some 1,249 benefited from the Rescue at Sea Resettlement Offers (RASRO) Scheme, and a further 292 persons were disembarked and resettled under the Disembarkation Resettlement Offers (DISERO) Scheme. Elsewhere, UNHCR and national authorities increased their vigilance along flight routes to ensure that refugees in search of protection were not killed or abducted. Even so, reports of deaths and disappearances of refugees continued to reach the Office.

38. The security needs of refugee women and girls have been given special attention by UNHCR over the last several years. While generally subjected to the same threats to their security as other refugees, refugee women and girls are sometimes more vulnerable.[9/] As noted above, this was the case in 1986 in connection with piracy attacks on asylum-seekers in the South China Sea during 1986. Moreover, some refugee women and girls suffered physical violence, sexual abuse and discrimination in camps and settlements. Refugee women and girls have faced similar violations of their rights and integrity, including, in a number of countries, exploitation for the purpose of prostitution. Occasionally, this seemed in part to be linked to the absence of adequate assistance programmes geared to the specific needs of the female refugee population.

39. In its continued endeavour to improve the security of refugee women and girls, UNHCR issued internal guidelines to its staff. These guidelines emphasize the need to adopt preventive measures, to ensure that incidents are reported, to identify those committing such crimes and to ensure that th

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prosecuted, as well as to assist the victims. It is hoped that this will lead not only to improved identification of situations in which refugee women and girls may be particularly vulnerable, but also to the adoption of preventive measures and the provision of assistance to victims. In addition, it will improve reporting on the subject.

40. Refugee children were also subjected to violence. Reports from UNHCR field offices show that refugee children have been abducted and have suffered physical abuse and other exploitation. They have been subjected to forced labour, prostitution and sexual violence. A more extensive note on the particular problems encountered by refugee children is submitted by the High Commissioner to the twelfth meeting of the Sub-Committee of the Whole on International Protection.10/ In addition, and in an effort to enhance general knowledge and awareness of such problems, the UNHCR Centre for Documentation on Refugees is publishing an annotated bibliography on refugee children.

41. In a few situations, the security of refugees is jeopardized through their forced recruitment into armed groups or guerilla bands. Invariably, the persons affected are young male refugees. As indicated above, persons seek refuge and protection so that they may survive in safety and dignity. Coercing refugees to take part, as active combatants in an armed struggle, amounts to a clear threat to their survival and their integrity. Moreover, it is equally clear that these practices undermine the concept that refugees are civilian as well as the principle that camps and settlements have a strictly civilian and humanitarian character. If left unchecked, such actions may have serious negative effects on the security of refugees and on the surrounding local population. Whenever incidents of this type are identified, UNHCR works closely with the competent national authorities in an effort to provide effective protection. Within the framework of this co-operation, UNHCR may also be called upon to strengthen its presence in the area. To be successful, however, efforts to end such violation require a genuine will on the part of all parties concerned to depoliticize the particular refugee situation.

42. The most flagrant of all violations of the security of refugees takes place when military or otherwise armed attacks are deliberately launched on refugee camps and settlements. Such attacks continued in 1986 and 1987 in several parts of the world. As a result, large numbers of refugees lost their lives and many others suffered serious injuries. A separate note on the problem of military and armed attacks on refugee camps and settlements is submitted by the High Commissioner to the twelfth meeting of the Sub-Committee of the Whole on International Protection.11/

43. As noted in paragraph 10 above, security problems have also arisen in certain situations where refugees are obliged to live in camps for an extended period of time. When such situations are coupled with total dependency on external assistance, absence of durable solutions and, above all, severe restrictions on movements outside the camp, problems of law and order may arise. In some instances these have led to sporadic outbreaks of violence and refugees have been killed or injured. This points to a need to review State policies on refugee camps. In particular, States should explore alternative temporary solutions in specific refugee situations.

44. The security of refugees has been discussed in the Executive Committee on several occasions. The proliferation of violations of the security of refugees illustrates the need for closer and more serious attention to this problem as a whole by the international community. There is obviously a need

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for further specific measures to increase the security of refugees and the Office is participating in a number of in-depth studies on this matter which, it is hoped, will lead to a better understanding of the problem and the identification of possible solutions. In many instances it is clear, however, that an effective approach will necessarily require depoliticizing refugee situations. Only by adopting a strictly humanitarian approach in providing protection and assistance to refugees can the right of refugees to security be safeguarded.

VOLUNTARY REPATRIATION

45. Almost a quarter of a million refugees returned voluntarily to their respective countries of origin in 1986 12/ and tens of thousands more availed themselves of this durable solution in the early part of 1987. Voluntary repatriation took place from countries on all continents and indeed from almost all countries of asylum in the world. In most countries, particularly in Europe, North America, the Middle East and Asia, limited numbers of refugees ranging from one or two individuals to a few hundred, returned voluntarily. In some other countries, however, considerably larger numbers returned, mainly from countries of refuge in Africa and Central America.

46. Voluntary repatriation, whenever feasible, is the preferred solution to any refugee situation. It achieves the ultimate goal of international protection, namely the re-establishment of refugees in a community, in this case their own.13/ It is, however, also one of the most delicate solutions to implement. For this reason, and to ensure that basic standards of protection are maintained, the Office recently issued internal guidelines to UNHCR staff on action to be taken by the Office in the context of the voluntary repatriation of refugees.

47. Recognizing that UNHCR's main preoccupation, in voluntary repatriation as elsewhere, must always be its concern for the safety and well-being of refugees, these guidelines presented seven fundamental principles' reflecting general consensus on refugee protection in the context of voluntary repatriation. These principles are:

refugees have a right to return voluntarily to their country of origin;

the repatriation of refugees must take place only at the freely-expressed wish of the refugees themselves. The voluntary and individual character of repatriation must be respected;

voluntary repatriation must be carried out under conditions of safety and dignity, preferably to the refugees' place of residence in their country of origin;

international action in favour of voluntary repatriation should receive the full support and co-operation of all States involved;

UNHCR should, whenever appropriate, take initiatives to promote voluntary repatriation;

where necessary and possible, UNHCR should establish and implement assistance programmes for returnees;

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UNHCR has a legitimate interest in the consequences of return and should have access to returnees.

48. The principle embodying the right of refugees to return to their country of origin is fully recognized in international law and is normally respected by countries of origin with, however, some exceptions. Moreover, there have been instances where candidates for voluntary repatriation have been harassed and efforts have been made to prevent them from returning to their country, an action which violates fundamental principles of international law. In isolated instances, such harassment has originated fromwithin the refugee community. On other occasions, external forces have intervened in an attempt to stop voluntary repatriation for essentially political reasons. In these situations, UNHCR works closely with the authorities of all concerned countries to protect those seeking to return voluntarily.

49. This co-operation has invariably aimed at establishing special arrangements for the protection of repatriates. Such arrangements include, for example, increased physical protection through surveillance and reinforcement of the means to ensure law and order, provision of special temporary accommodation for candidates for voluntary repatriation and a shortening of the waiting period for the actual return.

50. Repatriation of refugees must only take place at the freely expressed wish of the refugees themselves. The international community has repeatedly reaffirmed that it is part of UNHCR's international protection function to ensure that the voluntary character of repatriation is always respected. Where individual or small groups of refugees are concerned, the voluntary nature of repatriation can normally be established without any difficulty. Candidates for repatriation are interviewed personally and asked to sign a form attesting to the voluntary nature of the repatriate's decision to return. Verifying the voluntary nature of repatriation in the case of large-scale movements may be significantly more difficult. In such situations, special arrangements are often established involving the widest possible consultations with the refugee community concerned. It frequently includes providing for independent observers to be present at assembly centres and/or crossing points.

51. Ensuring the voluntariness of repatriation requires more than a statement from the refugees concerned that they wish to return. It calls for additional efforts to ensure that the decision to repatriate has been made on the basis of full information and freedom from constraints. Thus, UNHCR and its implementing partners must undertake every effort to provide to refugees the best information available on the situation in their country of origin, including information regarding the extent to which repatriates will be assisted and protected upon return. In some situations UNHCR has, together with the countries of origin and asylum, provided for visits by individual refugees or representatives of refugee groups to their country of origin, so as to provide them with a first-hand impression of conditions there. Arrangements have also been made to exchange information between refugees and their relatives in the country of origin.

52. Freedom from constraint is sometimes difficult to ensure as pressure on refugees to return may take a variety of forms, some more subtle than others. Thus, it is obvious that levels of assistance in the country of refuge should not be decreased so as to induce refugees to return to their country of

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origin. Likewise, refugees must never have their refugee status reviewed simply because they refuse to avail themselves of the option of voluntary repatriation unless, of course, circumstances in their country of origin which led to their flight have changed in such a fundamental manner as to justify invoking the cessation clause. More subtle forms of pressure in the form of extensive and unwarranted publicity campaigns in favour of voluntary repatriation may occur, however, and must be met with firm international support for the fundamentally voluntary character of the repatriation of refugees.

53. Finally, verification invariably calls for a close understanding of the circumstances surrounding return which may sometimes be difficult to obtain. Out of concern for the voluntary nature of repatriation, UNHCR has therefore recently strengthened its field staff who deal with voluntary repatriation in several countries of refuge.

54. Voluntary repatriation must be carried out under conditions of safety and dignity, preferably to the refugee's place of origin or residence in their country if he or she so wishes. This core element in refugee protection is generally recognized and respected and flows from the basic international humanitarian principles of security and liberty, and from the right to freedom of movement and free choice of residence. The safety and dignity of voluntary repatriates may be difficult to ensure, however, in some situations where their return has not been preceded by a fundamental change in the circumstances which gave rise to their flight from their country of origin.

55. Here, the question of fulfilment of any assurances which may have been provided by the country of origin to induce the return of refugees assumes particular importance. Such assurances may take the form of so-called amnesties, guarantees or other promises. They often aim at allaying the fears of refugees that they will be subjected to reprisals or other punitive measures for having sought refuge elsewhere. In addition, they may offer specific standards of treatment in the country of origin. When voluntary return is brought about as a result of such assurances and the Office assists the refugees to return, UNHCR has a legitimate interest in monitoring their fulfilment. This is part of the larger and legitimate concern of the High Commissioner for the consequences of the return of all refugees to their country. This concern derives from UNHCR's mandate to provide international protection to refugees while respecting State sovereignty. Performing this function requires direct access to returnees. Such access is normally granted in close consultation with the respective country of origin and is sometimes facilitated through the implementation of a reintegration programme. In any case, it has required a strengthening of UNHCR's presence in the country of origin concerned.

56. Ensuring that the voluntary return of refugees takes place under conditions of safety and dignity may be problematic in instances where the return of refugees is unplanned and no provisions are made for their reception in the country of origin. UNHCR does not in any way intend to place obstacles in the way of spontaneous repatriation movements, but is putting greater emphasis on the planning of repatriation movements, including assistance in the country of origin. It goes without saying that, in many instances, the assistance provided in the country of origin should be linked to, or part of, national development programmes for that country. Special efforts are being made in this regard by the Office.

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57. In recognition of the right of refugees to return to their country of origin, UNHCR can always facilitate such return when requested by the refugees themselves. However, a further principle calls for UNHCR, whenever appropriate, to take initiatives to promote voluntary repatriation. The Office can only do so in situations where the circumstances which gave rise to the refugee movement have changed fundamentally. In other words, in order to promote voluntary repatriation, UNHCR must be satisfied that a situation exists in which refugees can return voluntarily to their country of origin in safety and dignity. Pursuant to this principle, UNHCR actively promoted several voluntary repatriation exercises during 1986 and 1987.

58. The remaining two principles guiding UNHCR action in the context of voluntary repatriation call for international action in favour of voluntary repatriation to receive the full support and co-operation of all States involved, as well as for UNHCR to establish and implement assistance programmes for returnees where necessary. Support and co-operation to this end from the international community were generally received and, in some instances, UNHCR was able to establish and implement assistance programmes in countries of origin. Moreover, the Office assumed the role of catalyst in seeking to obtain broad international support for development projects - outside the domain of UNHCR - which should benefit returning refugees and the surrounding local population.

59. Providing integration assistance is of fundamental importance, particularly in situations where refugees have left their country for a considerable period of time. Unless properly assisted upon return, the reintegration into the country of origin may be significantly delayed or even impossible to achieve.

60. Voluntary repatriation requires care in implementation on the part of UNHCR and the international community. Both UNHCR and countries of asylum have a legitimate interest in the consequences of return. Unless properly implemented, voluntary repatriation programmes may give rise to serious protection problems for returning refugees. It is therefore of the utmost importance that the Office can count on the full support and co-operation of the countries concerned as well as on receiving the requisite material and human resources.

61. For voluntary repatriation to become a viable solution for more significant numbers of refugees it is a sine qua non, however, that States attend to the root causes of refugee movements. Only by removing the conditions which led to the original refugee movement can larger numbers of refugees return to their respective countries of origin in safety and dignity. This task, which is largely political, must be more vigorously addressed by States.

PROMOTING THE INTERNATIONAL PROTECTION OF REFUGEES

62. The generally difficult situation for refugees today and the problems which face those in search of protection make accurate information all the more important. The numbers of refugees and asylum-seekers need to be known by those in charge of protecting refugees, and individuals and groups with special protection requirements must be identified. Recent inquiries by UNHCR have revealed inadequacies in the statistical methodology employed by national authorities. These result in double-counting, numerical inflation and other inconsistencies, and presents a wholly inadequate picture of the current refugee situation.

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63. Recognizing the critical importance of accurate information, UNHCR is working towards a new procedure for more detailed reporting from field offices on the actual numbers of refugees, on their constituent groups, such as women and children, and on their particular protection and assistance needs. This information will help UNHCR to fulfil its task more effectively, and details of categories and requirements will be shared with States. The success of this and related exercises, however, will depend greatly on the co-operation and participation of States, and on general agreement as to the modalities of data collection and distribution.

64. Accurate information is as much a key to effective protection, as an awareness of the fundamental principles of refugee protection. UNHCR will therefore continue actively to promote the dissemination of refugee law and improve the techniques of protection. This involves both the development of in-house training courses, as well as the organization and conduct of seminars for government officials and decision-makers. Thus, a comprehensive training programme for UNHCR staff has been developed and will comence before the end of 1987. Similarly, in the course of 1987, refugee law seminars have been held for the Southern Pacific countries in Papua New Guinea, for European Socialist countries in the Soviet Union and for South American countries in Argentina. A refugee law training course was held in Zimbabwe for Government officials dealing with refugees in Southern and East African countries and similar courses are planned for government officials in Central American, Asian and Arab States. Plans also include the resumption of the refugee law course organized jointly by UNHCR and the International Institute of Humanitarian Law in San Remo. In addition, several Round Tables are being organized to discuss fundamental aspects of refugee protection.

65. Increased awareness of principles of refugee law and protection also requires easy access to literature and research results for those concerned, both inside and outside UNHCR, not just for governments and officials, but also for the broad public concerned with refugee issues, including non-governmental organizations, researchers, academics and advocates. To these ends, and in collaboration with other bodies having the requisite expertise, UNHCR's Centre for Documentation on Refugees is establishing appropriate legal databases as well as expanding its existing bibliographic database. The initial focus of these endeavours in regard to the legal databases will be information concerning the jurisprudence and legislation relating to refugees as well as accessions of States to the 1951 United Nations Convention and 1967 Protocol. Another likely area of future activity is the publication of a journal of international refugee law, with a view to bringing protection principles and the latest developments in refugee law to the attention of a wider audience.

CONCLUSION

66. Protecting refugees is the responsibility of UNHCR, but it can only be achieved through effective co-operation of States and relevant organizations. The variety of issues involved, though related to the particular class of refugees of concern to the international community, places the tasks of the Office firmly within the field of human rights and international humanitarian law.

67. The High Commissioner's responsibilities under the mandate are complemented in part by the obligations accepted by States parties to the 1951 Convention, the 1967 Protocol and the 1969 OAU Convention. The role of the

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Office is further strengthened by other universal and regional instruments and by international custom, but a number of grey areas remain. Humanitarian and legal standards must therefore be invoked, if necessary, to bridge the gap between the institutional responsibilities entrusted to UNHCR by the international community and, in particular, the often limited obligations formally accepted by States.

68. These objectives, if they are to be met, require a continuous process of dialogue and concerted action. Nevertheless, UNHCR has a unique mandate, and a particular responsibility towards refugees whose fundamental human rights, such as non-refoulement, are in danger of violation. The Office is accountable to the international community and duty-bound to provide protection; its action must remain founded on the best interests of the refugee.

69. The High Commissioner is aware that the international system must be improved. Further efforts will be made to secure more accessions to the basic refugee instruments. Close attention will also be given to the urgent need to remedy what many States perceive to be a situation of imbalance, uncertainty and insecurity. In particular, the High Commissioner will maintain the process of international consultations with a view to establishing standards for determining the respective responsibilities of States in the broad field of protection, and to improving, in a concrete sense, the system of co-operation and sharing in solutions.

70. There is no future in continually stressing the need for generous reception policies among countries in the developing world if the required moral, material and political support is not forthcoming. No State is responsible for another's geographical situation and humanitarian policies should not be exclusively contingent on such external support. The refugee problem is international in scope and nature, and it is the international community which is responsible for providing protection and finding solutions. Unilaterally restricting access to procedures encourages onward and sideways movements of refugees and asylum-seekers, to the detriment of the principle of good neighbourliness. States' national interests and international objectives will best be served by co-operation, in ways which ensure long-term respect for the basic human rights of refugees and the integrity of the existing international system of protection and assistance.

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NOTES

1/A/AC.96/680, paras. 1-11.

2/United Nations General Assembly Resolution No. 41/124, 4 December 1986.

3/See Note on procedures for the determination of refugee status under international instruments, 1987 (A/AC.96/INF.152/Rev.7).

4/Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme, Conclusion No. 8 (XXVIII) on the Determination of refugee status, pp. 16-18.

5/Ibid., Conclusion No. 15 (XXX) on Refugees without an asylum country, pp. 31-34.

6/Ibid., Conclusion No. 28 (XXXIII) on Follow-up on earlier conclusions of the Sub-Committee of the Whole on International Protection on the determination of refugee status, inter alia, with reference to the role of UNHCR in national refugee status determination procedures, pp. 63-64; and ibid., Conclusion No. 30 (XXXIV) on The problem of manifestly unfounded or abusive applications for refugee status or asylum, pp. 68-69.

7/Ibid., Conclusion No. 22 (XXXII) on Protection of asylum seekers in situations of large-scale influx, pp. 48-52.

8/Ibid., Conclusion No. 43 (XXXVII) on Detention of refugees and asylum-seekers.

9/Ibid., Conclusion No. 39 (XXXVI) on Refugee women and international protection, pp. 84-85.

10/EC/SCP/46.

11/EC/SCP/47.

12/E/1987/56, para. 38.

13/EC/SCP/41; and Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme, Conclusion No. 40 (XXXVI) on Voluntary repatriation, pp. 86-88.

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2/2

ACTION COPY
SUITE A DONNER

Apr 13 2 10 PM '83

47-3 - UNHCR

B. Dickson

AMBASSADE DU CANADA
WASHINGTON, D.C.

b 6 2c 6 9 c c

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FM GENEV YTGR1658 13APR83

TO WSHDC/DICKSON

---CONF ON IMMIGRATION AND REFUGEE POLICY-CDN PARTICIPATION MICHELE RENAUD-MOLNAR FROM CINE-CONTACT ASKED TO INFORM YOU THAT SHE HAD BEEN INVITED TO PARTICIPATE IN ABOVE-MENTIONED CONF ORGANIZED BY CENTRE FOR MIGRATION STUDIES IN WSHDC 21-22APR.RENAUD-MOLNAR WOULD INTRODUCE HER FILM 21APR BEFORE 5:30PM RECEPTION.

2.RENAUD-MOLNAR ASKED US TO SUBMIT A REQUEST TO YOU FOR FINANCIAL SUPPORT INCL TRANSPORTATION MTL/WSHDC/MTL AND PER DIEM FOR FOOD BUT NOT/NOT LODGING.

3.RENAUD-MOLNAR WILL BE IN CONTACT WITH OUR EMB IN PARIS MON 18APR(BILODEAU)OR COULD BE REACHED AT HER MTL OFFICE (849-9530)AFTER.

UUU/258 1315362 YTGR1658

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ACTION

1/2

READDRESSAL FORM

FORMULAIRE POUR RÉADRESSEMENT

W2C2/19

COMMUNICATIONS

APR 20 08 11 '83

CANADIAN EMBASSY
WASHINGTON

CLASSIFICATION.....UNCLASSIFIED...
CLASSIFICATION

DATE.....APRIL 20/83.....
DATE

PLEASE READDRESS THE FOLLOWING TELEGRAM.....GENEV YTGR1658 13APR83.....
SVP READRESSER LE TELEGRAMME SUIVANT

TO/A...SFAI EXTOTT/MIA Secret By 2090 . DEWDC.....

INFO/INFO .....CNGNY PRMNY EANDIHULL/REFPOL/SETT/PUB AFF.....

AUTHORIZING OFFICER/OFFICIER AUTORISANT...BRIAN DICKSON....

SIGNATURE/SIGNATURE.....

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External Affairs Canada / Affaires extérieures Canada

LAO/D.L.Laberge/2-3653/ta

Dossier

TO/À • CMS

FROM/DE • LAO

REFERENCE • RÉFÉRENCE

SUBJECT • SUJET • Réfugiés en Amérique centrale et en Amérique du Sud

Security/Sécurité: NON CLASSIFIE

Accession/Référence: 283395

File/Dossier: 47-2-2

47-3-UNHCR

Date: Le 14 mars 1983

Number/Numéro: LAO-0365

ENCLOSURES / ANNEXES

X

DISTRIBUTION

GSL

GSC

LAE

... Nous vous envoyons un relevé que la section Amériques du Haut Commissariat des Nations Unies pour les Réfugiés à Genève nous a transmis, du nombre de réfugiés en Amérique centrale et du Sud, de l'état des ratifications des conventions portant sur les droits de l'homme sur le continent américain et une liste des Etats parties à la Convention de 1951 sur les réfugiés et/ou au Protocole de 1967.

pour R.W. Burchill
Directeur
Direction des opérations juridiques

TITLE / DOSSIER

EXT 407

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Nombre de réfugiés en Amérique Centrale

Panama et Mexique

Pays	Réfugiés Salvadoriens		Autres réfugiés		Total	
	Assisté	Total*	Assisté	Total*	Assisté	Total
Belize	2,000	2,000	-	-	2,000	2,000
Costa Rica	8,000	10,000	1,500	5,000.g	9,500	15,000
Cuba	-	-	-	2,000	-	2,000
Dominican Rep.	-	-	300	5,000	300	5,000
Guatemala	-	70,000	-	-	-	70,000
Honduras	15,139.a	16,000	12,522.d	16,000.h	27,661	32,000
Mexico	3,500	120,000	16,000.e	36,500.i	19,500	156,500
Nicaragua	5,326.b	22,000	50	500	5,376	22,500
Panama	1,000.c	1,000	200.f	500	1,200	1,500
Total	34,965	241,000	30,572	65,500	65,537	306,500

ANNEXE I (A)

a/ dont 6,065 à Colomoncagua (camps de Colomoncagua et San Antonio) - 9,074 à Mesa Grande.
b/ dont 1,005 dans les centres de transit aux camps de Léon (470), Esteli (150), Chinandega (235), El Crucero (90), Managua (60). Les autres (4,331) vivent par leurs propres moyens (presque 3,000 aux environs de Managua).
c/ 700 à Panama City - 300 près de Belén.
d/ 9,397 Nicaraguayens Miskitos dans le camp de Mocoron- 2,564 Nicaraguayens Miskitos en dehors du camp - 561 Guatémaltèques
e/ dont 15,000 Guatémaltèques.
f/ dont 46 Polonais.
g/ 300 Guatémaltèques, 2,700 Cubains, 2,000 Nicaraguayens.
h/ 12,500 Nicaraguayens Miskitos, 1,000 Guatémaltèques, 2,500 Nicaraguayens(non Miskitos).
i/ dont 26,500 Guatémaltèques.

* Les estimations relatives au nombre total de réfugiés dans un pays sont fournies par des gouvernements et n'impliquent pas la reconnaissance ou non-reconnaissance d'un groupe de réfugiés sous le mandat du Haut Commissaire.

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ANNEXE I (B)

Nombre de réfugiés au sud de l'Amérique Latine

Pays	Réfugiés de l'Amérique Latine	Autres réfugiés	Total
Argentine	5.000	1.500 Indo-chine 20.000 Européens	26.500
Pérou	730	750 Européens	1.480
Brésil Bolivie Paraguay Uruguay	-	-	28.500
Colombie Equateur Venezuela	11.000	8.500 Européens	19.500

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RATIFICATIONS DES TRAITES

	Argentine	Bolivie	Brésil	Chile	Colombie	Costa Rica	Cuba	République Dominicaine	Equateur	El Salvador	Guatémala	Haïti	Honduras	Mexique	Nicaragua	Panama	Paraguay	Pérou	Uruguay	Venézuela
Traité sur la loi Pénale Internationale. Montevideo 1889	X	X															X	X	X	
Accord d'Extradition. Caracas. 1911		X			X				X									X		X
Convention sur l'Asile. Havana. 1928			X		X	X	X		X	X	X	X	X	X	X	X	X	X	X	
Convention sur la loi Internationale Privée. (Bustamante Code). Havana. 1928		X	X	X		X	X	X	X	X	X	X	X		X	X		X		X
Convention sur l'Asile politique. Montevideo. 1933			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Convention d'Extradition. Montevideo. 1933	X			X	X			X	X	X	X		X	X	X	X				
Traité sur la loi Pénale Internationale. Montevideo 1940																			X	
Convention sur l'Asile Diplomatique. Caracas. 1954			X			X		X	X	X		X		X		X	X	X	X	X
Convention sur l'Asile Territorial. Caracas. 1954			X		X	X			X	X		X		X		X	X		X	X
Convention Américaine des Droits de l'Homme. (Pacte San José. 1969)		X			X	X		X	X	X	X	X	X	X	X	X	X	X		X

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ETATS PARTIES A LA CONVENTION DE 1951 ET/OU AU PROTOCOLE DE 1967 93

ETATS PARTIES A LA CONVENTION DE 1951 ET AU PROTOCOLE DE 1967 88
ETATS PARTIES SEULEMENT A LA CONVENTION DE 1951 (MARQUES "(C)") 3
ETATS PARTIES SEULEMENT AU PROTOCOLE DE 1967 (MARQUES "(P)") 2

I. AFRIQUE

Algérie
Angola
Bénin
Botswana
Burundi
Cameroun, République-Unie du
Congo
Côte d'Ivoire
Djibouti
Egypte
Ethiopie
Gabon
Gambie
Ghana
Guinée
Guinée-Bissau
Haute-Volta
Kenya
Lesotho
Libéria
Madagascar (C)*
Mali
Maroc
Niger
Nigéria
Ouganda
République centrafricaine
Rwanda
Sao Tomé-et-Principe
Sénégal
Seychelles
Sierra Leone
Somalie
Soudan
Swaziland (P)
Tanzanie, République-Unie de
Tchad
Togo
Tunisie
Zaïre
Zambie
Zimbabwe

II. AMERIQUE

A. Amérique centrale et méridionale

Argentine*
Bolivie
Brésil*
Chili
Colombie
Costa Rica
Equateur
Jamaïque
Nicaragua
Panama
Paraguay*
Pérou (C)
République dominicaine
Suriname
Uruguay

B. Amérique du Nord

Canada
Etats-Unis (P)

III. ASIE

Chine
Iran
Israël
Japon
Philippines
Yemen

IV. EUROPE

Autriche
Belgique
Chypre
Danemark 1/
Espagne
Finlande
France 2/
Grèce
Irlande
Islande
Italie*
Liechtenstein
Luxembourg
Malte*
Monaco (C)*
Norvège
Pays-Bas 3/
Portugal
République fédérale d'allema
Royaume-Uni 5/ 4/
Saint-Siège
Suède
Suisse
Turquie*
Yougoslavie

V. OCEANIE

Australie 6/
Fidji
Nouvelle-Zélande

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1) Le Danemark a déclaré que les dispositions de la Convention s'appliquaient également au Groenland.

2) La France a déclaré que les dispositions de la Convention s'appliquaient à l'ensemble des territoires qu'elle représente sur le plan international.

3) Les Pays-Bas ont étendu l'application des dispositions de la Convention et du Protocole au Suriname**.

4) La République fédérale d'Allemagne a indiqué, dans deux déclarations distinctes, que les dispositions de la Convention et du Protocole s'appliquaient également au Land de Berlin.

5) Le Royaume-Uni a étendu l'application des dispositions de la Convention aux territoires ci-après, que le gouvernement du Royaume-Uni représentait à l'époque sur le plan international:

Bahamas***, Basutoland**, Protectorat du Bechuanaland**, Honduras britannique, Protectorat britannique des Iles Salomon***, Iles anglo-normandes, Chypre**, Dominique***, Fédération de la Rhodésie et du Nyassaland**, Fidji**, Gambie**, Iles Gilbert et Ellice***, Grenade***, Jamaïque**, Ile de Man, Kenya**, Iles Malouines (Falkland), Maurice***, Ste-Hélène, St-Vincent***, Seychelles**, Protectorat de la Somalie britannique**, Swaziland**, Zanzibar**.

Le Royaume-Uni a déclaré que le Protocole ne s'appliquait pas à l'Ile de Jersey, à la Rhodésie du Sud ni au Swaziland**, mais il en a étendu son application aux Iles Bahamas***, à Ste-Lucie*** et à Montserrat.

6) L'Australie a étendu l'application des dispositions de la Convention à la Papouasie-Nouvelle-Guinée*** et à Nauru***, territoires qu'elle représentait à l'époque au plan international. L'Australie a également étendu l'application des dispositions de la Convention à l'Ile Norfolk.

Sauf indication contraire, le Protocole est censé s'appliquer, conformément à son Article VII, aux territoires auxquels l'application de la Convention a été étendue selon les dispositions de l'Article 40.

* Ces Etats ont fait une déclaration conformément au paragraphe 1, de la section B de l'article premier de la Convention, il fallait entendre les mots "événements survenus avant le 1er janvier 1951", figurant à la section A de l'Article premier, comme désignants les "événements survenus avant le 1er janvier 1951 en Europe".

** A la suite de leur accession à l'indépendance, les Etats suivants sont devenus parties à la Convention et/ou au Protocole soit par adhésion soit par déclaration de succession:

Botswana (Protectorat du Bechuanaland), Chypre, Fidj Gambie, Jamaïque, Kenya, Lesotho (basutoland), Seychelles Somalie (Protectorat de la Somalie britannique), Suriname Swaziland, Tanzanie (Zanzibar), Zambie et Zimbabwe.

*** A la suite de leur accession à l'indépendance, les Etats suivants n'ont pas encore signifié leur intention d'adhérer soit par accession soit par déclaration de succession à la Convention de 1951 et au Protocole de 196

Bahamas, Iles Salomon (Protectorat britannique des Iles Salomon), Dominique, Malawi, Kiribati (Iles Gilbert) Tuvalu (Iles Ellice), Grenade, Maurice, Papouasie-Nouvell Guinée, Nauru, Ste-Lucie, St-Vincent-et-Grenadines (St-Vi

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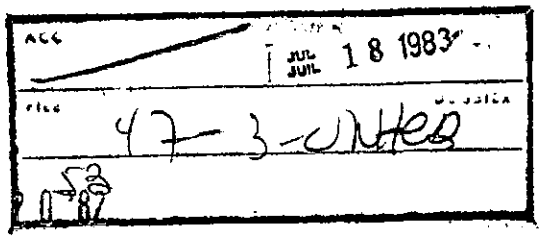
Document divulgué en vertu de la *Loi sur l'accès à l'information*

MESSAGE

MGTC FILE CIRC DIV DIARY



Nov 10 00

UNCLASSIFIED

FM EXTOTT CMS-1243 19NOV82

TO LSBON/CHANDLER

FROM CMS/RUDDOCK

REF: LSBON XMAG6753 17NOV

---ACCN

STUBINSKI CONFIRMS THAT ARRANGEMENTS MADE WITH WILLEY BROWN TO UWHR REPLACE UNIT.

FRANK RUDDOCK/CM CMS 2-5643 JULIE LORANGER

Frank Ruddock

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ACTION
SUITE A DONNER

ACC | DATE 811219
FILE 47-4 DOSSIER
47-3-UNHCR

UNCLASSIFIED

FM TOKYO UIIM0767 09DEC81

TO EXTOTT/UNS

INFO EANDI/HULL/REFPOL GENEV

REF FURTHER OURTEL UIIM0635 04DEC

---SYMPOSIUM ON THE PROMOTION DISSEMINATION AND TEACHING
OF THE FUNDAMENTAL RIGHT OF REFUGEES

HAVE OBTAINED FROM UNITED NATIONS UNIVERSITY IN TOKYO
COMPLETE SET OF DOCUMENTS REGARDING SYMPOSIUM INCLUDING
COPIES OF SPEAKERS PRESENTATIONS.GRATEFUL YOU ADVISE IF
MATERIAL SHOULD BE SENT TO UNS OR GENEVA.

UUU/246 090645Z UIIM0767

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ACTION
SUITE A DONNER

ACC 1 7126Ø REF | DATE 811215
FILE 47-3-UNHCR
CC 47-9-U.N.

C O N F I D E N T I A L

FM PRMNY WKGR2593 27NOV81

TO EXTOTT UNS DELIVER BY 281200

INFO GENEV

DISTR JJD UNO FLO GAM

---UNGA 36 - FRG INITIATIVE ON REFUGEES

INFORMED BY FRG LATE AFTERNOON NOV27 THAT DEL OF VIETNAM HAD THREATENED TO CALL FOR VOTE ON RESLN IF NEW OP PARA 3 ON COMPENSATION NOT/NOT QUALIFIED.AS RESULT CONSULTATIONS AMONG FRG/VIETNAM/JORDAN FOLLOWING COMPROMISE WORKED OUT QUOTE EMPHASIZED THE RIGHT OF REFUGEES TO RETURN TO THEIR HOMES IN THEIR HOMELANDS AND REAFFIRMS THE RIGHT,AS CONTAINED IN ITS PREVIOUS RESLNS,OF THOSE WHO DO NOT/NOT WISH TO RETURN TO RECEIVE ADEQUATE COMPENSATION UNQUOTE.REF TO QUOTE PREVIOUS RESLNS UNQUOTE PLACES QUESTION SQUARELY IN MIDEAST CONTEXT EVEN THOUGH THERE IS NO/NO REF TO SPECIFIC RESLN. REF IS LEFT VAGUE IN HOPE OF CARRYING ISRAELIS.

2.UK PLEASED WITH THIS CHANGE AS IT IMPLIES,BY NOTING PAST RESLNS,NO/NO NEW PROCEDURES OR INITIATIVES AS REGARDS COMPENSATION.AMERICANS ACCEPT CHANGE IN PRINCIPLE BUT HAVE HAD NO/NO CONFIRMATION WSHDC.USA DEL HAS UNDERTAKEN TO PERSUADE ISRAELIS TO ACCEPT LANGUAGE.

CCC/Ø24 28Ø046Z WKGR2593

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ACTION
SUITE A DONNER

ACC 811216
FILE 47-3-UNHCR
cc 47-4

UNCLASSIFIED

FM GENEV YTGR4407 24NOV81

TO EXTOTT/UNS

INFO EANDIHULL/BELL/REFPOL TOKYO

REF OURTEL YTGR3884 080CT

---SYMPOSIUM ON PROMOTION,DISSEMINATION AND TEACHING OF THE FUNDAMENTAL HUMAN RIGHTS OF REFUGEES-TOKYO 07-11DEC81

HAVE RECEIVED REPEATED REQUESTS FROM UNHCR ON CDN PARTICIPATION. WOULD APPRECIATE PROG REPORT OF FINAL DECISION ON PARTICIPATION NOT/NOT YET AVAILABLE.

UUU/200 241429Z YTGR4407

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ATTC FILE DIV DIARY CIRC

MESSAGE

	PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
FM/DE	OTT	EXTAFF	UNS-1095 NOV 24/81			UNCLAS

PRECEDENCE

TO/A GENEV DEL BY 25 0900

Nov 24 22 11 '81

INFO EANDIHULL/REFPOL TOKYO

ALC

FILE 47-1

CC 473-UNHCR

DISTR.

REF YOURTEL YTGR3884 OCT8

SUB/SUJ SYMPOSIUM ON THE PROMOTION, DISSEMINATION AND TEACHING OF THE FUNDAMENTAL RIGHT OF REFUGEES, TOKYO, DEC 7-11

REGRET DELAY REPLYING REFTEL. NEITHER UNS NOR EANDIHULL/REFPOL/BELL WILL BE ABLE TO SEND PARTICIPANT TO CONFERENCE, NOR/NOR CAN UNP TRAVEL BUDGET SUPPORT COSTS. PLS SEND OUR REGRETS AND INFORM UNHCR WE WILL NOT/NOT BE SENDING EXPERT FROM GOVT OR ACADEMIA.

2. IF HOWEVER YOU BELIEVE MTG IS IMPORTANT ENOUGH TO WARRANT ATTENDANCE BY CDA, WE COULD ASK EMB/TOKYO (PERHAPS FROM IMM SECTION) IF THEY COULD SPARE SOMEONE FOR PART OF MTG. PLS ADVISE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG F.S.RUDDOCK/AB	UNS	2-5643	F.K.CHANDLER

EXT 18/BIL (REV 8/70)
7530-21-029-4012

166

000066

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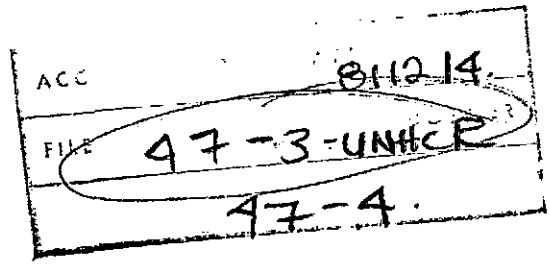
ACTION
SUITE A DONNER



UNCLASSIFIED

FM GENEV YTGR3884 080CT81

TO EXTOTT UNS

INFO EANDIHULL/BELL/REFPOL TOKYO

---SYMPOSIM ON THE PROMOTION DISSEMINATION AND TEACHING
OF THE FUNDAMENTAL HUMAN RIGHT OF REFUGEES TOKYO(JAPAN)
7-11DEC 1981

HAVE RECEIVED TODAY AN INVITATION FROM UNHCR DIRECTOR
OF PROTECTION,MCUSSALLI FOR CANADA TO NOMINATE TWO EXPERTS;
ONE FROM GOVT AND ONE FROM ACADEMIA TO PARTICIPATE IN A/M
SYMPOSIUM.SPONSORSHIP OF SYMPOSIUM IS UNDER JOINT AUSPRICES OF
UNHCR,UNESCO AND THE UNITED NATIONS UNIVERSITY,TOKYO.
NAMES OF PARTICIPANTS ARE TO BE PROVIDED TO UNHCR PROTECTION
DIVISION BY NOV01/NOV01.
2.INVITATION AND AGENDA FORWARDED TO YOU BY BAG.
UUU/125 0917042 YTGR3884

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DATE AUG 13 81
ACC REF
FILE 47-3-4N14cR DOSSIER
BY HAND PAR PORTEUR
ATTN

GAA JNS GAA FLA Sally

NATIONS UNIES - UNITED NATIONS

SERVICE DE L'INFORMATION - OFFICE DES NATIONS UNIES A GENÈVE
INFORMATION SERVICE - UNITED NATIONS OFFICE AT GENEVA

Press Release REF/1482
28 July 1981

Office of the High Commissioner for Refugees

ZIMBABWE, THE NINETIETH STATE TO ACCEDE TO THE 1951 UNITED NATIONS CONVENTION AND THE 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES

Today, on the occasion of the thirtieth anniversary of the 1951 United Nations Convention relating to the Status of Refugees, the High Commissioner for Refugees, Mr Poul Hartling, has the pleasure to announce that the Republic of Zimbabwe has become the ninetieth state to accede to the 1951 Refugee Convention and the 1967 Refugee Protocol.

The 1951 Refugee Convention was adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons. It came into force on 22 April 1954, ninety days after the sixth state had become a party to it by ratification.

The 1951 Refugee Convention was adopted as a result of the United Nations efforts to elaborate norms of international refugee law in order to provide a more universal basis for the treatment of refugees. The previous international agreements concerning refugees were in force only between a limited number of states and for specific groups of refugees, and it had also become necessary to adapt them to the refugee situation which existed after the Second World War.

The 1951 Refugee Convention is the first international instrument with universal applicability which gives express recognition to the fact that refugee problems can only be resolved through concerted humanitarian efforts by all states. It defines minimum standards of humanitarian treatment for refugees, including the right to work, to education, to public relief and to freedom of religion. The Convention also incorporates the principle of non-refoulement which prohibits the return of a refugee to a territory where his life and freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. It also provides for the issue of travel and identity documents to refugees by the country of residence.

./.

Les communiqués sont destinés à l'information; ils ne constituent pas des documents officiels
For use of information media; not an official record

Document disclosed under the *Access to Information Act* -
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The provisions of the Convention are wider than those of the previous international refugee instruments. They cover persons who became refugees as a result of events occurring prior to 1951. This approach was adopted with the hope that refugee problems would not recur. However, with the emergence of new refugee situations, need was felt further to broaden the Convention's scope by removing the 1951 dateline. With a view to achieving this aim, the General Assembly of the United Nations adopted on 31 January 1967 a Protocol relating to the Status of Refugees, which makes the provisions of the Convention also applicable to new refugee situations. This Protocol came into force on 4 October 1967.

Both the 1951 Refugee Convention and the 1967 Refugee Protocol confer on UNHCR the duty to supervise the application of the provisions of the Convention and the Protocol. They also contain provisions concerning the co-operation between the Contracting State and the Office of the United Nations High Commissioner for Refugees (UNHCR). Within the framework of this co-operation, UNHCR renders technical advice to governments in regard to the application of these instruments. UNHCR also assists governments in elaborating refugee legislation intended to give effect to the Convention and the Protocol, having due regard to their constitutional and legal systems.

Apart from the ninety states which have already acceded to the 1951 Refugee Convention and/or the 1967 Refugee Protocol, a number of states have either taken a decision to accede or are seriously considering acceding to these instruments.

Thirty years since its adoption, the 1951 Refugee Convention - supplemented by the 1967 Refugee Protocol - has come to be regarded as the primary international instrument established on the universal level for the treatment of refugees. On this occasion, Mr Poul Hartling, the High Commissioner for Refugees, expresses the hope that further states will accede to these instruments confirming in this way their support to the purely humanitarian principles they enshrine.

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Government of Canada / Gouvernement du Canada

TRANSMITTAL NOTE AND RECEIPT
NOTE D'ENVOI ET REÇU

UNHRC

File No. – *N° du dossier*

TO – *À*	To / A: ERD From / De: BICO A-6 MAY [illegible] Att'n: Dionne	ORIGINATOR AND ADDRESS – *INITIATEUR ET ADRESSE*
EXTOTT/UNS		Permis Geneva 47-3-UNHCR (31)

Security Classification – *Classification de sécurité*

☐ Confidential *Confidentiel* ☐ Secret ☐ Top Secret *Très secret* ☐

☐ With Enclosure(s) *Avec annexe(s)* ☐ Without Enclosure *Sans annexe*

QUANTITY *QUANTITÉ*	REFERENCE/COPY NO. – *N° DE RÉFÉRENCE*	DESCRIPTION

U.N.H.C.R.

Circular No. 7 of May 14, 1979 and Press release REF/1386 of May 10, 1979.

c.c. EXTOTT/EBD, CIDAHULL/MID/HERU, EANDIOTT/REFPOL/Hill

Originator's Signature – *Signature de l'initiateur*		Received By – *Reçu par*	
Signature	Date: 15/5/79	Signature	Date

CGSB STANDARD FORM 44A
7540-21-674-1328

FORMULE NORMALISÉE 44A DE L'ONC

ADDRESSEE – RETAIN THIS COPY AND RETURN COPY NO. 2 TO ORIGINATOR
DESTINATAIRE – CONSERVER CETTE COPIE ET RENVOYER LA COPIE N° 2 À L'INITIATEUR

1

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Refugee Update

United Nations High Commissioner for Refugees

No. 7. 14 May, 1979

REFUGEE DEVELOPMENTS IN AFRICA

The High Commissioner, Mr. Poul Hartling, led the UNHCR Delegation to the Pan-African Conference on Refugees in Arusha, Tanzania. The Conference, which is being sponsored jointly by the Organization of African Unity, UNHCR, and the United Nations Economic Commission for Africa, opened on 7 May and will continue until 17 May. Its objective is a full-scale review of the various aspects of protection and assistance activities involving refugees and displaced persons in Africa.

UNHCR continues to review the situation with the Government of Uganda and to provide immediate assistance to refugees affected by events in Uganda. Furthermore, the office is in close touch with neighbouring governments in regard to refugees and displaced persons from Uganda. In cooperation with other agencies, UNHCR is providing some 5,000 Ugandans who entered Western Kenya with food, shelter, medical equipment and other facilities. Following a request from the Zairian authorities, UNHCR is evaluating the needs of about 3,000 Ugandan refugees who have arrived in Zaire. Latest reports from the Sudan indicate an influx of up to 20,000 asylum seekers from Uganda on whose behalf the Sudanese Government has appealed to the international community for help. UNHCR is at present establishing a programme of emergency assistance with the cooperation of the Government and is in contact with other participating agencies.

Following consultations between UNHCR and Médecins sans Frontières, the latter organization is sending two medical teams, comprising two doctors and four nurses, to the Hiran region in Somalia.

INDO-CHINESE REFUGEES AND DISPLACED PERSONS

During the month of April 22, 643 'boat people' arrived from Vietnam in South East Asian countries, which was more than double the figure for the preceding month (10,309). Over 3,100 other refugees arrived in Thailand overland. During the same period, 6,850 persons left South East Asian countries of first asylum to be permanently re-settled elsewhere. All 2,449 refugees aboard the ship Hai Hong have now left Malaysia for the USA, Canada, the Federal Republic of Germany, France and other countries, thus ending an episode which began in October 1978.

REPATRIATION FROM BANGLADESH TO BURMA

In the continuing repatriation movement from Bangladesh to Burma, 138,782 persons had returned to their homes in the State of Arakan as of 7 May. It is expected that the remainder will have left Bangladesh by the end of June. UNHCR is ensuring that those returning to Burma are appropriately assisted in their journey.

000071

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CONTRIBUTIONS TO UNHCR PROGRAMMES

In response to the High Commissioner's Appeal for the early payment of contributions to UNHCR's 1979 General Programme, the Government of Japan paid an amount of $ 11.6 million on 27 April. These funds, which had been pledged at the beginning of the year, are earmarked mainly for assistance to Indo-Chinese refugees and displaced persons in South East Asia.

The Governments of Canada has pledged $ 603,500 towards UNHCR programmes for Indo-Chinese refugees and displaced persons.

The Government of Denmark and the Netherlands have each pledged $ 50,000 towards the financing of the Pan-African Conference on Refugee Problems in Africa. The European Economic Commission has also decided to contribute $ 40,000 for this Conference.

The Dutch voluntary agency 'The Netherlands Refugee Committee' pledged $ 753,000 for refugees in Thailand and $ 757,000 for assistance to refugees and returnees in Bangladesh and Burma.

During a visit to UNHCR Headquarters, the Secretary-General of the Yugoslav voluntary agency, the International Fund 'Hungry Child' announced a donation of 46 tons of foodstuffs and two ambulances for programmes in Africa and the Middle East.

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NATIONS UNIES · UNITED NATIONS

SERVICE DE L'INFORMATION - OFFICE DES NATIONS UNIES A GENÈVE
INFORMATION SERVICE - UNITED NATIONS OFFICE AT GENEVA

Press Release REF/1386
10 May 1979

Office of the High Commissioner for Refugees

NEW CONTRIBUTIONS TO UNHCR FROM THE YUGOSLAV INTERNATIONAL FUND "HUNGRY CHILD"

Mr. Vladimir Palecek, Secretary General of the Yugoslav international fund "Hungry Child" today visited the Headquarters of the United Nations High Commissioner for Refugees. This international fund has cooperated for many years with UNHCR and Mr. Palecek took the opportunity while in Geneva to announce new contributions consisting of 46 tons of special high protein food, including baby food, to be used within UNHCR assistance programmes for African and Asian refugees.

These donations are for refugees and displaced persons being assisted by UNHCR in Kenya, the Lebanon, Mozambique, Rwanda and Zaire. Two ambulances will also be sent for the use of refugees in Mozambique and Rwanda. The total value of these contributions amounts to US$ 64,000. In addition to others contributions, this sum will be used to alleviate the suffering of the most vulnerable group of uprooted people - the children and their mothers, and thus fulfil the basic humanitarian aim of the international fund "Hungry Child".

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For use of information media; not an official record

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Refer CSO/V CSPR GEA GSB

Department of External Affairs

Ministère des Affaires extérieures

Canada

CONFIDENTIAL

Ottawa, K1A 0G2
March 28, 1979

47-3-UNHCR
37

TO: SEE DISTRIBUTION LIST ATTACHED

UNHCR: OTTAWA RESPONSIBILITY CENTRE

As discussed at the general meeting with Mr. Terrillon on March 22, 1979, the question of responsibility for refugee affairs within the federal government is a complex one with several departments and divisions having active interests in specific aspects of the problem. This complexity is heightened by the sensitive political nature of the refugee question. While the March 22 meeting attempted to clarify for Mr. Terrillon the various departmental and divisional responsibilities, it would nevertheless appear useful to set out briefly but clearly the specific role of UNS. Our concern that there be no confusion as to the refugee responsibilities of UNS has been prompted inter alia by IFAP telegram LOG 2080 of March 21, 1979, which requested our Geneva mission to clarify with the UNHCR Canada's policy as regards a family reunification program with Viet Nam and the possible role the UNHCR might play to assist in initiating such a program.

While our Geneva mission is the official Canadian point of contact with UNHCR headquarters, UNS is the Ottawa link with the mission on refugee questions and hence with the UNHCR on all matters which involve that UN agency and any of its activities. The substance of given communications with UNHCR may well lie within the operational responsibility of other divisions or departments, or may result from combined Ottawa contributions. For example, CSO has the lead responsibility for family reunification policy, IFAP for operational instructions to its officers in the field, GPL for political aspects of the Indochina refugee question as they relate to bilateral relations, and CIDA/HERU for UNHCR financial matters. However, it is the responsibility of UNS to coordinate these various contributions, to confirm responses with other interested officials and finally to inform the mission. To do otherwise would fragment unnecessarily an already complex subject and confuse missions abroad as to the Ottawa responsibility centre for all refugee questions which have a bearing on the UNHCR.

(Ms.) V.M. Edelstein
Director
United Nations Social and
Humanitarian Affairs Division

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Canada Employment and Immigration Commission
E.A. Bourque Memorial Building
OTTAWA

Asia & Pacific Bureau
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Canada Employment and Immigration Commission
E.A. Bourque Memorial Building
Ottawa

Humanitarian, Refugee and Emergency Relief Section
Multilateral Programs Branch
Canadian International Development Agency
Place du Centre
HULL

Department of External Affairs: GPL
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CSO

INFO: PERMNY

GENEVA

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FILE CIRC DIARY DIV WF
AEG KGO JGG CSP CSPR CSO

UNS-387

FILE: 47-4-UNHCR-5-2-1
47-3-UNHCR
47-4-UNHCR-1

RETURN TO UNS - D.S. WHEN RELEASED

CONFIDENTIAL

OTTAWA K1A 0G2

March 15, 1979

Dear Mr. Manion,

I wish to acknowledge your letter of February 20 in which you noted with concern press statements attributed to Mr. Raymond Terrillon, the UNHCR Representative to Canada, which appeared to be critical of the attitudes of unnamed officials of CEIC and of the independence of the Immigration Appeal Board. I share your concern about the controversial nature of Mr. Terrillon's comments.

In light of your letter and subsequent developments Mr. Jacques Gignac, Assistant Under Secretary responsible inter alia for refugee matters, called in Mr. Terrillon on Friday, March 9 to discuss the situation with him. Mr. Gignac advised Mr. Terrillon that he was doing so on instructions from our Minister. Mr. Gignac indicated we had become concerned about the deterioration in relations between himself and Canadian authorities. We wished to discuss this development with him, but above all to seek to readjust the relationship in a manner to ensure the establishment of confidence on both sides.

Mr. Gignac emphasized that the whole question of immigration and refugees was, in Canada, an extremely sensitive political one. Mr. Terrillon would have contacts with the press. However, it was essential that in such contacts he exercise the utmost discretion, and restrict his comments to the facts of the operations and policies of the UNHCR.

.../2

Yours sincerely,

Under Secretary

Mr. J.L. Manion,
Deputy Minister and Chairman,
Canada Employment and Immigration Commission,
E.A. Bourque Memorial Building,
305 Rideau Street,
Ottawa

000076

15.3.58(05)

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UNS/V.M.Edelstein/28838/mgb

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: Mr. Gotlieb (through Mr. Goldschlag)

FROM / De: United Nations Social and Humanitarian Affairs Division (UNS)

REFERENCE / Référence:

SUBJECT / Sujet: UNHCR Relations with CEIC: Reply to Mr. Manion's Letter to Mr. Gotlieb

SECURITY / Sécurité: CONFIDENTIAL

DATE: March 12, 1979

NUMBER / Numéro: UNS-402

MAR 19 1979

FILE / DOSSIER
OTTAWA ACC 18831
47-4-UNHCR-5-2-1
47-3-UNHCR
MISSION 47-4-UNHCR-1
BY HAND / PAR PORTEUR
ATTN:

ENCLOSURES / Annexes: X

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KGO
JGG
CSP
CSPR
CSO

You will have seen the telegraphic report to Geneva on the meeting between Mr. Gignac and Mr. Terrillon. Our discussions with Mr. Terrillon reveal that although he admits to having made mistakes, he has also been treated roughly by CEIC.

2. The airing of the issue may have had a salutory effect. Feedback from CEIC at the divisional level and from Mr. Terrillon show a real willingness to put the past behind and to work cooperatively. We would hope to encourage a similar approach at higher levels in CEIC and have, therefore, made some positive suggestions in the ... attached proposed reply to Mr. Manion.

AEG
This is being sent through
we in Gignac's absence.
I have two comments:
1. I don't think
2. (a) Manion speak of
affairs and Terrillon's
effectiveness in his role in
Canada as well as
interference in Canadian
internal affairs. Our reply
seems to suggest in paras 1 and 2,
that the quarrel is between Terrillon
and CEIC (i.e. we are taking our
distance as independent arbiters, not
as a central agency).
(b) The last two sentences of the
letter are not clear. Are we
offering CEIC an option?

(Ms.) V.M. Edelstein
Director
United Nations Social and
Humanitarian Affairs Division

000077

Ext. 407A/BIL
7530-21-029-5331

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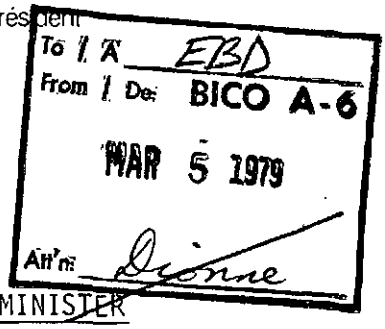
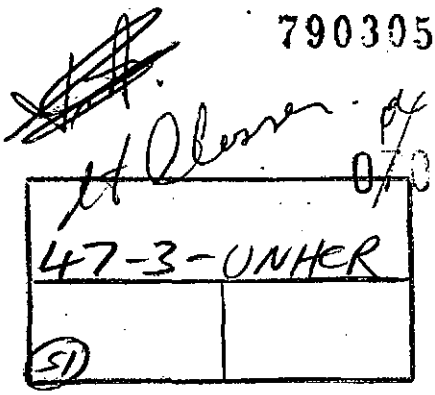
Canadian International Development Agency
Agence canadienne de développement international

President
Président

79030503





CONFIDENTIAL

MAR 2 - 1979

MEMORANDUM FOR THE MINISTER

Contribution to the United Nations High Commissioner for Refugees (UNHCR): 1979 Programme for Indochinese Refugees

Attached for your signature, if you agree, is a submission to the Treasury Board seeking authorization to make a special contribution of $700,000 in support of the UNHCR 1979 Programme for Indochinese Refugees payable over two fiscal years: $450,000 in 1978/79 and $250,000 in 1979/80. This proposal is in pursuance of a Cabinet decision, (Cabinet Document 630-78 RD(R)), to assist the UNHCR relief and resettlement efforts on behalf of Indochinese refugees in 1979.

Although Cabinet approved a special contribution of no less than $500,000 and up to $1.0 million in 1979/80, a balance in CIDA's Multilateral class grants would permit a first payment of $450,000 in FY 1978/79. A second payment of $250,000 would be made from Multilateral appropriations for 1979/80. Making the entire contribution in the next fiscal year would create serious pressure on the limited financial resources available in CIDA for refugee assistance.

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
Michel Dupuy
Michel Dupuy

200, rue Principale
Hull, Quebec
Canada
K1A 0G4

200, rue Principale
Hull (Québec)
Canada
K1A 0G4

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

The Honorable the Treasury Board
L'Honorable Conseil du Trésor

Canadian International Development Agency

Department – Ministère

T.B. Number – C.T. N°

100-60/U4-2
File – Dossier

Date

SUBJECT

Contribution to the United Nations High Commissioner for Refugees (UNHCR): 1979 Programme for Indochinese Refugees.

PROPOSAL

1. To authorize the Canadian International Development Agency to make a special contribution of $700,000 in support of the UNHCR 1979 Programme for Indochinese Refugees payable over two fiscal years: $450,000 in 1978/79 and $250,000 in 1979/80.

2. To authorize an allotment transfer in 1978/79 of $450,000 from Multilateral class grants to Multilateral class contributions to cover this contribution.

CHARGEABLE TO

Vote 30, Grants and contributions.

ALLOTMENTS	CURRENT LEVEL	INCREASE	DECREASE	REVISED TOTAL
Multilateral Development Assistance				
Grants	9,769,000	-	450,000	9,319,000
Contributions	1,448,000	450,000	-	1,898,000

COST

FY 1978/79	FY 1979/80
$450,000	$250,000

REMARKS

The plight of the Indochinese refugees was first brought to the Cabinet's attention in June, 1978 when a $500,000 contribution to the UNHCR's 1978 Programme for Indochina was approved. In the same Cabinet decision, a further contribution was foreseen subject to availability of funds, clearly demonstrated needs and an evaluation of UNHCR operations. Pursuant to these conditions government officials have attempted to closely monitor events in South-East Asia as well as UNHCR programmes in 1978.

Since then, the situation in South-East Asia has seriously deteriorated. The difficult refugee problem of April 1978 has turned into a dramatic exodus of people particularly from Vietnam.

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The problem involves the whole region where the number of refugees in transit camps has climbed to 198,000 by January 1979. In approving a UNHCR programme for Indochina aimed at 115,000 refugees, the Executive Committee had not foreseen this massive influx of people. Therefore, the UNHCR has revised its 1979 Indochinese Refugee Programme from US $26.0 million to US $61.35 million. International Refugee Consultations were held in Geneva in December, 1978 to review the situation and attempt to provide a permanent solution. All the interested parties acknowledged the need for an important international effort. Donor countries made substantial resettlement offers and announcements of contributions totalling US $45.65 million. This leaves a financial gap of US $11.7 million after deduction of a carry-over of US $4.0 million from the 1978 Indochina programme.

During the Geneva Consultations, Canada reiterated its full support to UNHCR and coordinated donor efforts to bring a permanent solution to the Indochinese refugee problem. In a gesture to increase its support to relief operations, Canada modified its position with regard to resettlement of Indochinese refugees and financial assistance to the UNHCR.

On December 20, 1978 Cabinet Committee approved the recommendations for a new response as outlined in the Memorandum to Cabinet of December 18, 1978 entitled Indochinese Refugee Programme-1979 (Annex "A"). Cabinet, subsequently, approved in principle a special contribution in 1979/80 of no less than $500,000 and up to $1.0 million, if funds could be found within existing resources, to the UNHCR 1979 Programme for Indochinese Refugees, with the amount of the contribution to be determined through a Treasury Board submission.

Approval is sought to make a first payment of $450,000 in the Fiscal Year 1978/79 since funds are available in the Multilateral class grants. A second payment of $250,000 would be drawn from Multilateral appropriations for 1979/80.

The Departments of External Affairs, Finance, and Employment and Immigration have been consulted and are in agreement with this proposal.

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ANNEX A

December 18, 1978

INDOCHINESE REFUGEE PROGRAM - 1979

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

AND

MINISTER OF EMPLOYMENT AND IMMIGRATION

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SECRET

INDOCHINESE REFUGEE PROGRAM - 1979

Purpose

To propose an appropriate Canadian response to the increasingly serious Indochina refugee problem, particularly in light of the outcome of the recent consultations convened by the U.N. High Commissioner for Refugees (UNHCR) in Geneva.

Decision Required

2. Approval is sought for an overall Canadian response to a coordinated international program of action for the Indochinese refugee problem, including:

- the expansion of existing programs for Indochinese refugees to an intake level of 5,000 in 1979, at a rate of 200 families per month;
- the resources required to meet essential operational resettlement and related costs of this expanded program;
- an increase of the Canadian annual contribution to the UNHCR program budget from $1 million in 1978/79 to $2 million in 1979/80;
- a special financial contribution in 1979/80 of no less than $500,000 and of up to $1 million to the UNHCR's Indochina refugee program;
- political actions to seek amelioration of the situation in the Indochina area.

Considerations

Background

3. In recent months, the Indochinese refugee problem has evolved from a serious outflow to a major exodus of people. The problem involves the whole South-east Asian region and includes significant overland outflows from Democratic Kampuchea, Viet Nam and Laos. (Thailand, for example, is at present host to 130,000 overland refugees primarily from Laos and Democratic Kampuchea.) Still, it is the Vietnamese boat escapees who are the main focus of public attention. This flow has increased from a monthly rate of 3,000 earlier this year to 12,000 in October and 21,000 in November. Most boat escapees make their way to Malaysia but many other countries in the region are also affected.

4. Unlike earlier refugee movements in the area, it is difficult to anticipate with any accuracy the outer limits of this present exodus. American intelligence suggests that there exists a pool of 800,000 deeply discontented persons in Viet Nam and that we might well expect the flow of boat escapees from Viet Nam to continue at these monthly rates until 1981. If these prospects become reality, the consequent political, social and financial burden on the countries of first asylum, already extremely onerous, would become unsupportable and an already delicate regional stability even more tenuous. The problem is compounded in that the possibilities for significant regional resettlement are distinctly limited for a series of geographical, political and ethnic reasons.

5. There are a number of inter-related reasons - economic, political and humanitarian - for the dramatic increase in the outflow of Vietnamese refugees who are, to a large extent, ethnic Chinese. Living standards in Vietnam have declined since 1975 due to a disappointing economic performance. Economic problems have been compounded by a series of natural disasters. The ethnic Chinese who have never integrated into

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the broader Vietnamese population are primarily a merchant class which has now been deprived of its former entrepreneurial functions by deliberate government policy. They have chosen to flee rather than endure wholesale transfer to the new economic zones to which they have been assigned. Furthermore, continued border warfare on the Viet Nam-Kampuchea frontier and deteriorating Viet Nam-Chinese relations are additional factors promoting the outflow of refugees.

6. To respond to this growing problem the UNHCR convened international consultations which were held in Geneva December 11-12, 1978. Over the past year Canada has been very supportive of the UNHCR's efforts and supported the convening of the consultations. At the consultations Canada played a leadership role. We called for, and indicated a readiness to participate in a broadly-based and coordinated international plan of action. The consultations proved constructive particularly as they focussed international attention on the need for a coordinated international solution. They heightened the sense of urgency in the international community and resulted in consensus on a series of measures which could form an international plan of action (see Annex A). Though the consultations were not intended to constitute a pledging conference, a number of participants did announce financial and resettlement commitments. Additional financial pledges of $13 million were made to the UNHCR program while 80,000 new resettlement places were offered. Of the new resettlement places, the United States doubled its intake for 1979 to 50,000 and Australia indicated it would accept approximately 11,000 next year, in addition to some 12,000 already taken since 1975. The French who accepted 12,000 in 1978 are expected to continue that level of intake. Other countries - Norway, Denmark, the FRG and New Zealand - offered more modest resettlement and financial pledges in Geneva. As a result, first steps were taken towards the UNHCR objective of a more broadly-based international response. However, more must be done to increase the number of active participants.

7. The Geneva consultations provided useful clarification and some encouragement in other areas. Thailand and Malaysia, for example, indicated that in their perspective the refugee problem was not totally out of control or, in the long run, unmanageable. They believed they could sustain their present difficult role as countries of first asylum but could do so only if it were evident that other countries would provide guarantees for eventual resettlement. Viet Nam played a relatively constructive role at the consultations and in its public statement expressed a willingness to cooperate in programs of family reunification. In this area, the High Commissioner undertook to use his good offices on our behalf so as to expedite arrangements with the Vietnamese.

8. Even with a significant increase in the reception of refugees for permanent resettlement, the international community will find it difficult to cope with the continued flow of refugees at the present level. In fact, resettlement programs in third countries may well encourage an increased outflow resulting in a larger backlog of refugees and recurring appeals to the international community. Therefore, it was generally considered at Geneva that the countries of exodus should be encouraged to regularize, if not diminish, the outflow by improving the overall economic, political and social situation which is prompting the massive departures. It was thought that an improvement in economic conditions through international economic assistance might influence the decision of any for whom the economic situation is a factor in a decision to leave. It was considered as well that family reunification procedures should be strengthened so that persons could depart directly from Viet Nam to countries of permanent resettlement without hazarding their safety by escape and seeking refuge in countries of interim asylum.

Canadian Resettlement Role To Date

9. Since 1975 Canada has accepted nearly 8500 refugees from Indochina. Under programs initiated earlier this year we are committed to accept 50 small boat families from Viet Nam and 20 families from Thailand

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camps each month, the latter up to an unannounced total of 1000 persons. Last month we took special measures to accept 600 refugees from the Hai Hong, thus breaking the impasse in that difficult situation. The dramatic Hai Hong situation together with the increasing exodus from Viet Nam have heightened Canadian media and public interest in and sympathy for these people.

Proposed Canadian Response To International Plan of Action

10. In light of the discussions at the Geneva meeting, it is evident that an effective Canadian response to so complex and massive a problem ought to be made on several levels and address itself to the following:

Resettlement

(a) As one of the few major countries able to undertake significant resettlement programs, an important part of our national response should be directed to this end. In the circumstances, a commitment to accept 5,000 refugees from Indochina in 1979 would appear appropriate. The increase which would be achieved by an expansion of the present intake of 70 families a month to 200 families a month would be directed primarily to the Vietnamese boat escapees but not exclusively so.

Alternatives to the above proposal would include:

(i) A larger resettlement commitment. This might have more public appeal but 5,000 seems an appropriate level for Canada at this time in light of the U.S.A. and Australian responses. (The U.S.A. recognizes continuing moral obligations in Indochina in light of recent history; and Australia's geographic position dictates a higher profile). Moreover, the dimensions of the problem suggest that any commitment announced now will likely have to be maintained and perhaps even increased in 1980.

(ii) Any smaller resettlement commitment by Canada at this time would likely be considered inadequate, both domestically and internationally, in light of the present dimension of the problem. Private sponsorships could increase this number.

(b) A streamlining of our procedures leading to refugee resettlement.

(c) Advice to Canadian-owned or Canadian-registered ships urging compliance with international law on rescue at sea of refugees in distress.

(d) Pursuing our efforts with the Vietnamese concerning family reunification procedures.

Financial Response

(e) An increase in the annual Canadian contribution to the UNHCR program budget from $1 million in 1978/79 to $2 million in 1979/80 is proposed. (The program budget itself has been adjusted from $35 million in 1978 to $88 million in 1979 by the inclusion in it of the former "special appeals" including those for Indochina and Africa.) Canada's contribution to the UNHCR program budget will thereby amount to approximately 2% of the budget, a proportion considerably less than the 5 to 10% share which Canada normally bears of international humanitarian efforts. Budgetary constraints inhibit a greater response.

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(f) A special contribution in 1979/80 is proposed of no less than $500,000, and up to $1 million if means can be found within existing resources, to the UNHCR program for Indochinese refugees in camps in Thailand, Malaysia and elsewhere in the region. The special contribution will be required since the High Commissioner's budget for the Indochina program, in the present circumstances, will be exhausted early in 1979.

(g) Support for international multilateral efforts to ameliorate the serious economic situation in the Indochina region.

Political Action

(h) Canada in consultation with countries with similar objectives, should encourage more countries to participate in the international response either through resettlement opportunities or financial contribution or both.

(i) Canada should continue to press for greater respect for human rights in Viet Nam and also in Cambodia and Laos.

(j) Canada should urge the People's Republic of China to play a helpful role in political and humanitarian terms as a means of ameliorating a situation which is having a destabilizing effect on the region.

It should be noted that this refugee situation is exceptional in its complexity; its dimensions can be compared only to the post-World War II exodus from Eastern Europe. In the circumstances, it can not be anticipated that this proposed Canadian response will remain adequate to the increasing pressures of the situation.

Financial Considerations

11. For the resettlement response in 10 (a) additional funds to total $5.1 million as set out in Annex B will be required to cover operational, adjustment assistance, and language training costs for the fiscal year 1979/80. The $2 million contribution to the UNHCR program budget for 1979/80 has been notionally included in the CIDA estimates. The proposed special contribution to the UNHCR Indochina program would be drawn from the $2.1 million item for special refugee appeals also notionally included in the CIDA 1979/80 estimates.

Federal/Provincial Considerations

12. As Cabinet is aware, Mr. Cullen has recently consulted with his provincial colleagues with respect to the 600 refugees from the Hai Hong. Their response was most encouraging. Even in the case of Alberta, once the initial misunderstanding had been resolved, the provincial government sent him a clear, positive statement expressing its desire to assist as many refugees as wish to settle in that province. If Cabinet approves this program, Mr. Cullen will inform the provincial Ministers by telex today. It is expected that once again we can rely on their support. The misunderstanding with Alberta highlights the need to involve more fully the provinces in this aspect of the immigration program and to reach agreement with them on the respective roles of each government in refugee activities. Mr. Cullen will write to provinces setting out his views on this subject and proposing that we meet with them at an early date with a view to resolving this question.

Interdepartmental Consultations

13. The Department of External Affairs, CIDA and the Treasury Board have been consulted on this memorandum.

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Public Relations Considerations

14. Given the recent demonstration of strong public, media, and parliamentary interest in and support for an expanded Canadian intake of Indochina refugees, an early announcement of the proposed Canadian response to the overall problem as described above would be desirable. This will also have advantages internationally, and will be helpful to us, the UNHCR and the principal resettlement countries in exerting leverage on others to play a larger role.

Recommendations

15. It is recommended that Cabinet:

(a) initiate immediately an expanded program to accept 5,000 Indochinese refugees in the calendar year 1979, on the basis of an increase in the present metered intake from 70 to 200 families a month;

(b) agree that Treasury Board provide the funds required to meet adjustment assistance ($4.5 million) and operational costs ($600,000) for this program in 1979-80;

(c) authorize a Canadian contribution to the UNHCR program budget of $2 million in 1979/80;

(d) authorize a special contribution in 1979/80 of no less than $500,000 and up to $1 million, if funds can be found within existing resources, to the UNHCR program for Indochinese refugees;

(e) authorize that Canada:

(i) consult with countries with similar objectives to encourage more countries to participate in the international response either through resettlement opportunities or financial contribution or both;

(ii) continue to press for greater respect for human rights in Cambodia and Laos;

(iii) urge the Peoples Republic of China to play a helpful role in political and humanitarian terms as a means of ameliorating a situation which is having a destabilizing effect on the region;

(f) authorize the Secretary of State for External Affairs and the Minister of Employment and Immigration to announce jointly the Canadian response this week.

Minister of Employment and Immigration

Secretary of State for External Affairs

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ANNEX A

THE OUTCOME OF THE DECEMBER 11/12
GENEVA CONSULTATIONS AS
SUMMARIZED AT ITS CLOSING
BY THE U.N. HIGH COMMISSIONER FOR REFUGEES

"I should like to start by renewing my warm appreciation to all of you for participating in these consultations.

It is clear that they have served a most essential purpose. They have crystallized thought and ideas on a problem of gravity to the international community and have given a sense of real urgency to our combined efforts.

I believe we have had a very valuable and frank exchange. We have all gained in understanding of the problems as seen from our several viewpoints, and also of how, collectively, we can proceed to solve them. We have heard a variety of views and suggestions, all deeply motivated by a wish to find humanitarian solutions for the problem of refugees and displaced persons in South East Asia. We appreciate the constructive spirit in which these consultations have been conducted.

Many delegations have made announcements relating to their future plans to help. For these, we are most grateful. However, it is clear that far more is required of the international community.

The consultations have, inevitably, tended to focus more on aspects of the overall situation that are in the public eye. We have, however, constantly to keep in mind the problem in the region as a whole, and also remember that these problems are among many others world-wide, of great and crucial concern to this office and to the international community.

It is essential to leave this forum not just with a better understanding of the problems, but with a sense of what is now required of us all. To this end, with your permission, I should like to sum up the outcome of our discussions as seen by this office.

1. The consultations have underlined that the problem of refugees and displaced persons must be treated in a strictly humanitarian and non-political way, in keeping with the nature of UNHCR. The office must advocate and implement policies that reflect this fundamental position.

2. These policies must receive governmental understanding and greatly increased support.

3. UNHCR must be enabled to help refugees and displaced persons wherever they are, in all parts of the region, not merely selectively. The inter-relationships in the region, as also their international dimensions, were fully elaborated.

4. The consultations recognized that no comprehensive solutions can be attained unless such is the will and determination of governments within and beyond the region. UNHCR cannot substitute for this. Governments must, therefore, take the appropriate decisions, for only through their actions can existing problems be solved and new problems avoided.

5. In resolving these problems, various urgent measures are closely related, or inter-dependent.

(i) The consultations noted that there can be no humane or durable solutions unless governments grant at least temporary asylum in accordance with internationally accepted humanitarian principles. The consultations also noted, as a corollary, that existing facilities in countries of first asylum in South East Asia were already over-loaded and that for such countries temporary asylum depended on commitments for resettlement in third countries and the avoidance of residual problems in the area.

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(ii) The meeting considered a proposal whereby special centres would be established where refugees and displaced persons would be processed for resettlement in an orderly way, within a specific time scale, and against guarantees that there would be no residual problem. It was felt that this proposal should be further elaborated and studied by governments.

(iii) While greatly appreciating the offers of resettlement announced during the consultations, it was evident that a far wider range of countries must announce increased numbers of places for this purpose. These further offers, which are most urgently required, must be announced in advance, be available on a regular basis, and above all, match the need. This would permit the pooling of opportunities and the allocation of resettlement numbers of areas of greatest need.

(iv) Procedures must be further reviewed in order greatly to reduce the time between acceptance and departure; they must be humanitarian and flexible. The speed of movement must be greatly accelerated.

(v) In the particular case of rescue at sea, the decision adopted by the Executive Committee of the High Commissioner's Program at its 29th session must be scrupulously implemented if lives are not to be lost. The consultations took note of the appeals jointly made by the Secretary General of Intergovernmental Maritime Consultative Organization and the High Commissioner to the states members of IMCO and to the *International Chamber of Shipping* and welcomed the positive actions already taken by certain countries.

(vi) Many statements, during the consultations underlined the need to promote other durable solutions in the region, including voluntary repatriation.

(vii) It was stressed that efforts must be intensified to promote self-sufficiency projects. Attention was drawn to the adverse social consequences of idleness and dependence on international relief.

(viii) It was also stressed that considerations relating to the stability of the region as a whole indicated a need for a continuing dialogue in the area on the humanitarian problems that were being faced. Multilateral and bilateral efforts directed towards the improvement of economic conditions in the Indochina peninsula could help redress the devastation caused by war and successive natural calamities and influence the decisions both of those who might wish to repatriate voluntarily and of those who might otherwise consider leaving for economic reasons.

(ix) The consultations felt that where persons left their countries in order to reunite with their families abroad, countries of origin and those where such reunion would take place should establish bilateral or multilateral procedures if this has not been done. More regular and orderly procedures could advantageously be considered in order to facilitate humanitarian solutions.

(x) In the course of the deliberations substantial new financial contributions will be needed from the widest possible range of countries in order to reduce the material burden on countries of first asylum, to help, if necessary, potential

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third countries of resettlement and to provide for other durable solutions.

(xi) Warm appreciation was expressed for the contribution of intergovernmental and nongovernmental organizations and voluntary agencies. Their capacity and skills should be fully utilized.

(xii) All governments were urged to communicate to UNHCR, at the earliest possible opportunity, the necessary steps that they intended to take to further the measures outlined in this summing-up. This was absolutely essential in order to maintain the momentum of these consultations and to ensure that the international community gave the fullest and widest attention to the problems discussed. This would also enable the closest follow-up of each of these matters."

Following is High Commissioner's Closing Statement:

"On behalf of the office, we have sought to sum up the outcome of these consultations.

It is clear to me, and this has been clearly confirmed through our consultations these past two days, that there are no short cuts for those wishing to help refugees and displaced persons. There are no miraculous cures, no magic wands. Ultimately, we must achieve durable solutions through the classical ways open to this office and mentioned in our note for these consultations.

That is why the outcome of these consultations, which in my opinion have been fruitful and promising, must be a strong plea, an urgent appeal, to all delegations - not only a few - that they take back to their capitals this message:

1. Governments - on the widest basis - must agree to accept a greater number of refugees than hitherto. They must do so on a regular, yearly basis, so that we can assure the countries of first asylum that they will not be left with residual problems.

2. That governments - on the widest basis - will increase their contributions to our programs, so that UNHCR can guarantee adequate help to the countries of first asylum.

In the very first statement yesterday the distinguished Minister from Australia called this an "historic meeting".

It is a unique event. And it will be a historic, major step forward if we - after these two days - return to our work with a firm will to provide the necessary solutions.

I thank you for the spirit in which these meetings have been conducted. We have met, as the distinguished Representative of Thailand said, "in good faith and in a constructive manner".

I shall, however, end by speaking - as is our duty - for the refugees and displaced persons themselves, and in particular the many thousands in limbo in over-crowded camps. Almost 200,000 persons now face an uncertain future, dependent on the decisions of governments - who alone can solve their problems.

We have no illusions as to the difficulties, but we believe the means of solution are at hand, if the measures and principles which have been outlined are now translated into action. Our belief is strengthened by the response of the international community to major refugee problems

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in the past, problems no less acute that were solved by concerted international action and the will of governments for a humanitarian outcome. But, as was said yesterday, the response of governments must have the stamina to stay the course, and its essential quality must be to match the humanitarian needs of the situation. When all the different national and regional perceptions have been taken into account, when the many and complex difficulties caused by this situation have been considered, there remains a human problem, of individual human beings and their families. The solutions must, therefore, be swift and, above all, must enhance not diminish human dignity."

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ANNEX B

Refugee Policy

FUNDS REQUIRED FOR RESETTLEMENT OF 5,000 INDOCHINESE REFUGEES

Fiscal Year 1979/80

		No. of People	Cost	Total Cost
I	Adjustment Assistance Cost			
	A. Basic Household Needs Cost (each person eligible as member of family)	5,000	600	$3,000,000
	B. Basic Needs of Life Cost			
	(1) Cost for 1,250 people not on language training	1,250	600	750,000
	(2) Cost for 3,750 people for one month before language training commences for family member destined to labour market[2]	3,750	200[1]	750,000
	Subtotal			4,500,000
II	Operational Cost to Implement Program			600,000
	TOTAL FUNDS REQUIRED			$5,100,000

NOTES: 1 This figure reflects slightly higher cost of assistance during first month.

2 Living allowances for subsequent months fall under language training cost budget.

(Calculations based on average family = 3)

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UNS/V.M.Edelstein/26836/mgb

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: Under Secretary (through Mr. Gignac)

FROM / De: UNP

REFERENCE / Référence:

SUBJECT / Sujet: Relations between UNHCR Representative, Mr. R. Terrillon, and CEIC

SECURITY / Sécurité: CONFIDENTIAL

DATE: March 2, 1979

NUMBER / Numéro: UNS-371

DATE MAR 19 1979

FILE / DOSSIER: 17066

OTTAWA FILE: 47-4-UNHCR-5-2-1

MISSION: 47-3-UNHCR

BY / PAR PORTEUR: 47-4-UNHCR-1

ATTN:

ENCLOSURES / Annexes

DISTRIBUTION

We learned today from Doug Hill, Director of Refugee Policy Division, CEIC, that Mr. Cullen had instructed Cal Best to prepare for his signature a letter to Mr. Terrillon indicating in strong terms his displeasure with the substance of Mr. Terrillon's comments to the press. Mr. Hill was not familiar with the precise content of the letter but had been told that Mr. Cullen had strengthened Cal Best's text. The letter has not been signed and conceivably it will not be signed. It is said that Mr. Manion has advised on two occasions against its dispatch.

2. It will be difficult to effectively take up with Mr. Terrillon the concerns expressed to you by Mr. Manion in his recent letter if immediately prior to, or after, the proposed interview with Mr. Terrillon, he receives Mr. Cullen's critical letter. It will furthermore complicate our relations with the UNHCR as an organization.

3. You might wish to consider whether it would be useful for you to discuss this matter with Mr. Manion.

P.A. Lapointe
Director General
UNP

P.S. I hope in a few days that letter may now have been signed and will be dispatched on Monday the 5th. However although it takes time will Terrillon's letter, it invites a meeting with him to try and establish a good working

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EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: Under Secretary (through Mr. Gignac)

FROM / De: Bureau of United Nations Affairs (UNP)

REFERENCE / Référence:

SUBJECT / Sujet: Raymond Terrillon, UNHCR Representative: Comments to the Press

SECURITY / Sécurité: CONFIDENTIAL

DATE: February 22, 1979

NUMBER / Numéro: UNS-330

MAR 19 1979
ACC 18828
FILE DOSSIER
OTTAWA FILE 47-4-UNHCR-5-2-1 DOSSIER
MISSION 47-3-UNHCR
BY HAND 47-4-UNHCR-1 PORTEUR
ATTN:

ENCLOSURES / Annexes: XX

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Background

In his letter of February 20, 1979 to you, Mr. Manion has drawn attention to reported comments of Mr. Raymond Terrillon to the press of a nature which he considers to be "direct interference in internal Canadian affairs". He has put in question Mr. Terrillon's future effectiveness. Mr. Terrillon, in turn, has provided our Consular Bureau with copies of his letters to the editors of the Gazette and the Toronto Star which attempt to correct or put in context his comments.

2. Mr. Terrillon is under instruction from the UNHCR (a) to promote in Canada an awareness of the serious international refugee situation and to encourage an enhanced Canadian response and (b) to encourage the government to interpret more generously its obligations under the Refugee Convention. He has frequently commented to us of the discomfort he experiences in relation to press interviews where he is pressed to criticize Canada's performance. We believe he tries to avoid doing so.

CEIC-Terrillon Relations

3. From the outset Terrillon and the officials at CEIC from Manion (DM) to Best (ADM) to the bureau level have not hit it off well. (If you are interested in further details on the subject, refer to UNS memorandum to JGG attached.)

Canadian Performance in Respect of the Refugee Convention

4. Terrillon mentioned to UNS on February 5 in a very off-hand manner that he felt Canada was not faithfully discharging all its obligations under the Refugee Convention. UNS urged him to take these matters up with the Director General of Consular Affairs. He does not appear yet to have done so.

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15580

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: JGG (THROUGH UNP)

FROM / De: UNS

REFERENCE / Référence:

SUBJECT / Sujet: Raymond Terrillon - UNHCR Representative

SECURITY / Sécurité: SECRET

DATE: February 21, 1979

NUMBER / Numéro: UNS-317

FILE / DOSSIER
OTTAWA: 47-4-UNHCR-5
MISSION: 47-3-UNHCR
47-4-UNHCR-1

ENCLOSURES / Annexes

DISTRIBUTION

CSP

During our lunch time conversation with Cal Best and Kirk Bell of CEIC, I mentioned that I was aware of Raymond Terrillon's concern about Canada's implementation of its obligations under/Refugee Convention and agreed to put /the it on paper for the record.

2. Terrillon has telephoned or visited me a number of times. These have been the occasion for tour d'horizons on the Indochinese refugee situation or on the difficulties Terrillon has experienced in operating from his small office premises and with a tiny staff. He is on instruction (a) to promote in Canada an awareness of the serious international refugee situation and to encourage thereby a continuing and enhanced Canadian response, and, I believe, (b) to encourage the Government to interpret more generously its obligations under the Refugee Convention. Terrillon has frequently mentioned that he finds himself in a difficult position with the press. The press seeks to elicit from him criticism of Canada's performance. He finds himself torn between saying that everything we are doing is acceptable and commendable or expressing the UNHCR's concerns. Clearly in the case of the press clipping from the Toronto Star of February 17 drawn to our attention by Cal Best, he either erred on the latter side, or made the somewhat critical comments in the context of many positive words about Canadian overall performance which have not been reported. I suspect the latter may be true.

.../2

Ext. 407A/EB.
7530-21-024-5341

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47-3-4 UNHCR	
37	29

File

C O N F I D E N T I A L

FM DACCA YKGR0273 13FEB79

TO EXTOTT UNS

INFO GENEV BNGKK EANDIOTT/REPOL/HIL ROME CIDAHULL/MID/HERU/ADO

DISTR UNP GPP GPS GPL EBD

REF OURTEL YKGR0271 FEB13

---BURMESE REFUGEES IN BDESH:POSSIBLE CDN ASSISTANCE TO UNHCR

IN RECENT MONTHS WE HAVE RECEIVED REQUESTS FROM UNHCR REPS HERE AS TO WHETHER CDA IS CONSIDERING POSSIBLE CONTRIBUTION TO UNHCR COORDINATED EFFORTS.I AM SOMEWHAT CONCERNED THAT,DESPITE OUR RAISING THIS QUESTION WITH YOU ON THREE PREVIOUS OCCASIONS(SEEOURTELS YKGR1640 20CT78 1840 NOV2/78 2165 27DEC78)WE HAVE YET TO RECEIVE A REPLY.

2.I AM SURE THAT OUR REPORTS ON REFUGEE SITUATION ARE OF INTEREST AND CONCERN TO YOU;AS YOU WILL UNDERSTAND,THEY ARE INTENDED TO PROVIDE INFO ON MATTER OF SERIOUS CONCERN TO GOVTS OF BDESH AND BURMA,MANY UN AGENCIES,AND VARIOUS OTHER COUNTRIES WHICH ARE PROVIDING ASSISTANCE.AT SAME TIME I REALIZE THAT YOU ARE PREOCCUPIED WITH URGENT REFUGEE SITUATIONS IN OTHER AREAS OF SOUTHEAST ASIA,AND I HAVE,THEREFORE NOT/NOT FELT IT OPPORTUNE TO PRESS YOU ON POSSIBLE CDN CONTRIBUTION,DESPITE RPTD PROMPTINGS FROM UNHCR AND NOW WFP REPS IN BDESH.

3.HOWEVER,AS ILLUSTRATED THROUGH REFTEL,DESPITE SUCCESSFUL NATURE OF REPAT OPS,PRESENT SITUATION IN CAMPS AND LONGER TERM OUTLOOK IS NOT/NOT GOOD AND MAY DETERIORATE.I FEEL THAT TIME HAS NOW COME WHEN OTT AGENCIES CONCERNED SHOULD SERIOUSLY REVIEW ALL INFO AVAILABLE ON

...2

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DEVELOPMENTS IN RECENT MONTHS AND TAKE A POSITION ON WHETHER OR NOT/NOT CONTRIBUTION TO UNHCR(EVEN A MODEST ONE)IS POSSIBLE.I BELIEVE SUCH A CONTRIBUTION ON PART OF CDA IS IN ORDER BUT,WHETHER OR NOT/NOT YOU AGREE,I WOULD LIKE TO HAVE SOME GUIDANCE TO USE IN OUR CONTINUED CONTACTS WITH OFFICIALS HERE.

4.QUESTION WILL MOST ASSUREDLY ARISE DURING FORTHCOMING CIDA MISSION TO EVALUATE UNHCR AND I WISH TO BE IN POSITION TO RESPOND BY THAT TIME.

GODSELL

CCC/126 140646Z YKGR0273

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ACC 14508
FILE 38-11-1-1 DOSSIER
BY HAND GAA PAR PORTEUR
ATTN: C J PETERSON
SECURITY UNCLASSIFIED
Sécurité
cc 47-4-UNHCR
DATE February 1, 1979

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO The Under-Secretary of State for External Affairs, OTTAWA. (GAA)

FROM The Canadian High Commission, LUSAKA

REFERENCE Our Telegrams 479 of December 8, 1978 and 166 of January 29, 1979

SUBJECT Zambia: Emergency Medical Supplies

NUMBER 21

FILE DOSSIER
OTTAWA 47-4-UNHCR-1
MISSION 220/994

ENCLOSURES

DISTRIBUTION

... Attached for your information is a copy of the letter dated December 19, 1978, from the UNHCR representative, outlining the linen supplies needed for UTH and Kabwe General Hospital.

2. As was the case for our first telegram under reference, we cannot really, in good conscience, consider these as "emergency" needs at this point in time. However, should there be a recurrence of Rhodesian air raids and the consequent drain on hospital supplies, the supply of these items would probably become critical. Therefore, a case can be made for undertaking to provide at least some of the requirements. Doing so at this time would also be of use presentationally (there being now a clear temporal separation from the previous spate of emergency responses from other countries) to tangibly demonstrate Canadian support for both Zambia and the humanitarian needs arising from the liberation effort in the South.

The High Commission

407B/Bil.

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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

Télégramme: HICOMREF LUSAKA
Téléphone: 73417 / 81325

P.O. Box 3[illegible]
LUSAKA - ZAMBIA

LU/78/1165

19 December 1978

Dear Miss Armstrong,

Further to our conversation about replacement of linens at the University Teaching Hospital, we are forwarding to you a copy of the list we received on the same from the Permanent Secretary of the Ministry of Health.

Although it is obvious that the items listed have not all been used by the refugees as such, it is understood that the supplies at the hospital are very low and in any case completely worn out.

The recent raids have revealed acute shortcoming in various sectors at the hospital such as communication system, autoclave system, drugs and linens.

We have been informed by the British High Commission that the communication system is being considered by the Ministry of Overseas Development and that they were waiting for the Zambian Ministry of Health to state their preference.

The I.C.R.C. will provide replacement for the drugs which had been used for the victims of the raids. The capacity of the hospital is 1,200 and they treat at least 40 refugee patients or more per month free of charge.

On the other hand, it is the belief of this office that should any further emergency arise, the Lusaka hospital should be adequately equipped to handle the situation without detriment to on going services.

We are confident in the light of the above that it will be possible for you to recommend the replacement of the above mentioned linens.

Yours sincerely,

21 DEC 1978

C. Krenou
REPRESENTATIVE

Miss B. E. Armstrong,
First Secretary,
Canadian High Commission
LUSAKA

000098

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ED/7I/6/25

REPUBLIC OF ZAMBIA

MINISTRY OF HEALTH

OFFICE OF THE PERMANENT SECRETARY
P.O. BOX 20[illegible]
LUSAKA

Mr. C. Kpenou,
Representative for Zambia,
U.N.H.C.R.
P. O. Box 2542,
LUSAKA

7th December, 1978

Dear Sir,

RE: REPLACEMENT OF LINENS AT U.T.H.

I am appending a list of some of the items which were used from the University Teaching Hospital stocks in treating victims of the recent Rhodesian raids and which as per your request you may consider replacing. These are:-

Bedsheets	5,000	
Draw sheets	5,000	
Bed covers	3,000	
Gowns (male)	I,000	
Tunics (shorts)	I,000	
Shirts	I,000	
Blankets	2,000	
Pyjamas	I,000	
Pillow cases	5,000	
Pillows	I,000	
Colostomy Bags	5,000	
Incontinental sheets	5,000	(disposable)

000099

→ EBD DIV

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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

47-3-UNHCR

With the compliments
of the
Representative for Canada

Avec les compliments
du
Délégué pour le Canada

11

USAID has pledged a further $4.75 million ago present funding is $10,450 million plus $3.0 million in their Gen Program Budget for 1979-80

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HCR/184
FURTHER TELECON OULETT/CHIPMAN 12/12/78 RE UNHCR ZAIRIAN REPATRIATION WISH TO STRESS FOLLOWING:

PRIMO

TOTAL CONTRIBUTIONS SO FAR AMOUNT SOME US DOLLARS 5.7 MILLION INCLUDING US DOLLARS 250,000 UNITED STATES: RADIO SETS VOLUNTEERS SWITZERLAND:
US DOLLARS 5.24 MILLION FROM EEC.
IMPORTANT TO NOTE HOWEVER THAT TOTAL REQUIREMENTS SOME US DOLLARS 11,375 MILLION CASH AND 13,000 MT FOOD.
AS WFP INPUT AND TOTALITY FOOD NEEDS NOT YET FINALIZED IS POSSIBLE SIGNIFICANT PORTION EEC CONTRIBUTION USED FOR PURCHASE FOOD.

SECUNDO

UNHCR OPERATION NOW WELL OFF GROUND WITH FULL COMPLEMENT STAFF DEPLOYED RECEPTION POINTS, RADIO LINKS ESTABLISHED, LOGISTICAL AND OTHER OPERATIONAL ARRANGEMENTS FINALIZED AND LOCAL FOOD PURCHASED.
SOME 71,160 ZAIRIAN REFUGEES HAD ARRIVED BY 10 DECEMBER AND INITIAL DISTRIBUTION FOOD BEGUN AS HAS TRANSPORTATION UNDER UNHCR AUSPICES OF REPATRIATES FROM NEIGHBOURING COUNTRIES.
OFFICE ALREADY COMMITTED SOME US DOLLARS 2 MILLION AND FURTHER SIGNIFICANT COMMITMENTS IN PIPELINE PRINCIPALLY FOR LOCAL AND OUTSIDE PURCHASES AND TRANSPORTATION FOOD SEEDS AND AGRICULTURAL TOOLS WHICH MUST BE DELIVERED SHABA BEFORE PLANTING SEASON BEGINNING JANUARY.

TERTIO

UNFORTUNATELY OFFICE JUST RECEIVED REPORTS DETERIORATING HEALTH SITUATION AMONGST RETURNEES IN DILOLO-KOLWEZI.
CASES MALNUTRITION, TB, MALARIA, MEASLES, KWASHIOKOR.
UNHCR TAKING REMEDIAL ACTION WHICH WILL LIKELY ENTAIL NECESSITY FURTHER MAJOR COMMITMENTS AT THIS POINT WITHOUT EXCLUDING POSSIBILITY PURCHASE/AIRFREIGHT OF GOODS MAINLY MEDICAMENTS.
PARA IN VIEW OF FOREGOING AS WELL AS MEDIUM/LONG TERM EFFECTS OF DROUGHT IN REGION IT IS CLEAR UNHCR INPUT MAY HAVE TO BE INCREASED BEYOND EARLIER ESTIMATES. WOULD THEREFORE URGE CANADIAN GOVERNMENT SUPPORT AT THIS CRITICAL JUNCTURE.

UNHCR GENEVA

AAA PRESENT DROUGHT IN REGION WILL HAVE INDIRECT SHORT/MEDIUM TERM EFFECT ON REFUGEES IN THAT INTEGRATION WITH EXISTING LOCAL POPULATION WILL BE MORE DIFFICULT DUE TO FOOD AND SEEDS SHORTAGE. LONGER-TERM PROBLEM OF REFUGEE SELF-SUFFICIENCY AGRICULTURE ALSO LIKELY PARTICULARLY IF DROUGHT PERSISTS. RATIONS GIVEN TO RETURNING REFUGEES WILL FOLLOW CLASSICAL WFP NORMS, I.E. 485 GRAMS/PERSON/DAY CONSISTING OF MAIZE, OIL, DSM AND BEANS, DRIEDFISH IF AVAILABLE UP TO REFUGEES FIRST HARVEST. THEREAFTER 50 PERCENT OF ABOVE. IN ADDITIO
N
CHILDREN RECEIVE 15 GM/DAY FISH PROTEIN CONCENTRATE. PARA LARGE PART FINANCIAL REQUIREMENTS MUST BE COMMITTED URGENTLY AND UNLESS SIZEABLE CONTRIBUTIONS FORTHCOMING ORDERLY IMPLEMENTATION MAY BE JEOPARDIZED RESULTING NEEDLESS SUFFERING. CANADIAN GOVERNMENT SUPPORT THEREFORE UGED AT THIS CRITICAL STAGE(UNHCR GENEVA)
COL 175 HCR/CAN/250 5.12.78- 485 50 15

=12061725

Fred Smith
R1276

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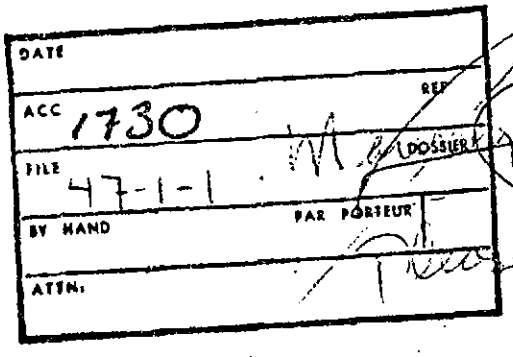
ACTION
SUITE A DONNER



E 47-3-UNHCR
provide

UNCLASSIFIED

FM ADDIS ZCGR1107 240CT78

TO EXTOTT UNS

DISTR GAA

---UNHCR-1961 AND 1974 CONVENTIONS

WAS ASKED BY UNHCR OFFICER HERE IF CDA SIGNED ON JUL17/78

IN SUPPORT OF UN CONVENTION ON REDUCTION STATELESSNESS(1961)

AND CONVENTIO RELATING TO STATUS OF STATELESS PERSONS(1974).

2.PRESUME WE DID BUT WOULD LIKE TO GET CONFIRMATION FROM YOU.

UUU/203 2412452 ZCGR1107

file 47-1-1 GA

answer

1954

Treaty Section - FLA - 638 63.
288926.

ratified - instrument of accession July 7/78
effective date 15/Oct/78

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EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

TO / À: GPO GPL GSL GAA GAF

FROM / De: UNS

REFERENCE / Référence:

SUBJECT / Sujet: UNHCR - Report of June 30, 1978 on Problems of Resettlement of Refugees

SECURITY / Sécurité: UNCLASSIFIED

DATE: July 17, 1978

NUMBER / Numéro:

FILE / DOSSIER	
OTTAWA	47-4-UNHCR-1
cc (memo)	47-4-UNHCR-3-ASIA
MISSION	47-4-UNHCR-3-LATAM

ENCLOSURES / Annexes: X

DISTRIBUTION

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GAP
EBD
CSO

EANDIOTT/
Molloy
CIDA/MID

PERMISGENEV

UNP(O/R)

...

We attach for your information a copy of the UNHCR's report which sets forth in considerable detail the High Commissioner's problems, as well as his appeal to receiving countries that they intensify their efforts to resettle refugees and displaced persons.

2. It is our view that the UNHCR's letter should be acknowledged and therefore by a copy of this memorandum we are asking the Refugee Policy Division of the CEIC for their views by ~~August 1, 1978.~~ If divisions to which this memorandum is directed would wish to comment, their views also would be appreciated by that date.

A.W.J. Robertson
Director
United Nations Institutional
and Social Affairs Division (UNS)

DATE 781218 REF
ACC
FILE 47-4-UNHCR DOSSIER
BY HAND PAR PORTEUR
ATTN:

Ext. 407A/BL
7530-21-029-5331

000103

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NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

To / A UNS
From / De: RICO A-3
JUIL 13 1978
Attn:

Télégrammes : HICOMREF
Télex : 27492 UNHCR CH
Téléphone : 31.02.61

Palais des Nations
CH-1211 GENÈVE 10

30 June 1978

47.4.UNHCR-1

Sir,

I have the honour to refer to our letter of 23 December 1977 transmitting a "situation report" on the main problems of resettlement of refugees confronting UNHCR at that time.

In view of the continuing urgency of refugee situations in certain areas in the world and the increasing need for refugees and displaced persons to find countries of permanent settlement, I would like to share with you the second report of this nature.

With regard to Latin American refugees, I would stress that the problem of resettlement could be solved within a relatively short time by a concerted effort on the part of receiving countries to make the required number of additional places available, as will be seen in the attached report.

...

The situation in South East Asia, as recently underlined by the participants in the ASEAN Conference in Bangkok, is of unprecedented gravity. While more than 100,000 displaced persons having arrived overland are in camps in Thailand, more than 12,000 persons who have left their country of origin in small boats are awaiting resettlement opportunities in overcrowded camps on the shores of countries bordering the South China Sea, with the bulk concentrated in Malaysia, Thailand and the Philippines. It is hoped that the appeal of ASEAN countries to the international community to help them carry this heavy burden and eventually relieve them of it, will be heard.

UNHCR will certainly continue to carry out its role in endeavouring to secure permanent homes for refugees and displaced persons. It can only do so, however, with the support and co-operation of governments. It is therefore hoped that as many countries as possible will pledge to admit refugees and displaced persons for durable resettlement at this time. It is also hoped that, in situations where the trend points to a continuing problem, pledges for future admissions can be made as a matter of long-term policy.

.../...

His Excellency the Secretary
of State for External Affairs
OTTAWA
Canada

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.../...

I feel sure that your Government will respond to this request in the spirit of its traditional generosity.

Accept, Sir, the assurances of my highest consideration.

Poul Hartling
United Nations High Commissioner
for Refugees

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RESETTLEMENT SITUATION REPORT

I. Introduction

1. In submitting this report, the second of this nature, it is UNHCR's intention to keep governments advised on problems in the field of resettlement, drawing attention to those situations that, in view of their critical nature, require priority consideration.

2. It is hoped that the competent authorities in the traditional countries of immigration, as well as in other countries capable of offering resettlement opportunities, will be able to take into account, in their immigration planning and refugee admission policies, the resettlement requirements of refugees and displaced persons. It is further hoped that, on the basis of such information, speedy action may be taken in favour of the resettlement of refugees and displaced persons on humanitarian grounds in urgent and distressing situations.

3. As stated in UNHCR reports, resettlement opportunities are sought by this Office whenever repatriation to the country of origin or local settlement in the country of refuge are not feasible. Reasons of personal safety, the necessity of avoiding the deterioration of the refugees' condition and morale, and the inability of countries of first asylum to integrate refugees who sought refuge in their territories, dictate the scope and urgency of the UNHCR resettlement operations.

4. As was the case when the first resettlement situation report was prepared, resettlement requirements remain particularly acute in South East Asia and Latin America. Hence, a summary review of the situation in these two areas is given below.

II. South East Asia

5. Following events during 1975 in the Indo-Chinese Peninsula, tens of thousands of Indo-Chinese left their countries of origin. It will be recalled that, by 31 December 1977, a total of 77,749 persons (excluding persons leaving the Indo-Chinese Peninsula in small boats) had been resettled, mainly in France, in the United States, and in various other countries (in addition to the 130,000 evacuated to the United States in 1975). During the first five months of 1978, 7,863 persons have been resettled, bringing the cumulative figure to 85,612. The rate of arrivals crossing into Thailand is now approximately 2,750 persons per month, while departures for permanent resettlement number 1,850 monthly. Thus at the present time, there are 100,574 persons in camps in Thailand other than the so-called "boat people".

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6. The problem of "boat cases" continues to require serious and urgent attention. While the average monthly rate of arrivals in 1976 and 1977 was approximately 400 and 1,300 persons respectively, this monthly average had reached 3,250 persons during the period January/May 1978. In May 1978 alone, 5,701 "boat people" landed on the shores of various countries bordering the South China Sea. In practically all cases of "boat people", the countries of first ports of call have allowed such persons to land and stay temporarily on condition that UNHCR arranges for their resettlement in other countries as rapidly as possible. However, the signs for concern are evident. The accumulation of "boat people" awaiting admission currently exceeds 10,000 in one country; the arrivals chart indicates that, while up to April 1977 fewer than 1,000 persons landed from their fragile boats on the shores of countries bordering the South China Sea, this figure passed the 1,000 mark in May 1977 (1,792), was well over 2,000 in October of last year (2,717), jumped to more than 4,000 in April 1978 (4,916) and reached 5,701 in May 1978.

7. Through the generous policies of a number of resettlement countries, 20,901 "boat people" have been resettled since 1975 in 17 countries, while a further 3,746 are awaiting departure for countries that have agreed to accept them, leaving a balance of 12,241 persons still requiring resettlement opportunities. Annex A gives a statistical breakdown of arrivals by country of asylum and acceptances/ departures by country of resettlement.

8. The sharp increase in the influx of "boat cases" in recent months has made it more important than ever that sufficient resettlement opportunities be available and the resettlement formalities be completed speedily so as to avoid congestion of camps in countries of first asylum, thus ensuring that these countries will maintain their open-door policy towards the "boat people".

9. A drastic relaxation of admission criteria and resettlement procedures is called for in cases of "boat people" who are in danger on the high seas as a means to encourage captains of passing ships to take them on board. Assurances that they will be allowed to disembark at the first port of call without any delay would promote such rescue operations. Such assurances could be encouraged through concerted international action with a view to earmarking resettlement opportunities for the persons concerned.

10. It is to be noted that against such a high influx of "boat people", which is constantly increasing, admission quotas can be counted upon to resettle fewer than 2,000 persons monthly. When seen in the framework of current needs and trends, this figure is unfortunately inadequate and further pledges are therefore urgently required to alleviate human suffering and facilitate the application of liberal policies of asylum by countries bordering the South China Sea.

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III Latin America

11. As of 31 May 1978 some 19,750 Latin American refugees had been resettled with UNHCR assistance in over 40 countries. These include refugees who were living in Chile and left the country following the events in September 1973, as well as Chilean nationals and refugees from other Latin American countries who sought refuge in Argentina, Peru and elsewhere in Latin America.

12. There are still well above 3,000 refugees, or members of their families, however, who are anxiously awaiting offers of durable resettlement in countries where they can start a new and peaceful life or join their refugee relatives through a family reunion operation. While seeking such opportunities, many live precariously, and most have no right to work; such demoralising conditions are sometimes aggravated by a feeling of lack of personal safety as a result of events in their countries of temporary asylum, necessitating their urgent admission into countries of durable resettlement.

13. As far as Chilean refugees are concerned, their reactions to the recent Chilean amnesty proclaimed on 19 April 1978 are being closely monitored and thus far there appears no trend towards a return of sizeable numbers. It has also been reported that a number of applications to the Chilean authorities for return to Chile have been recently rejected. In view of this situation, resettlement efforts must be maintained on behalf of Chilean and other Latin American refugees who are not returning home and who, due to existing legislation and regulations, cannot remain in their present countries of asylum. The situation by country is as follows:

A. Argentina

Out of an initial group of over 14,000 refugees who sought asylum in Argentina, some 7,000 are still in that country. Some 2,000 of this remaining group, as well as newly registered refugees, must leave, mainly as a consequence of existing legislation. Most of them are in a precarious situation as they cannot be self-supporting and many live under emotional stress. There is a crying need to move these refugees promptly to countries of durable asylum both because it is now clear that they will not be permitted to stay in Argentina, and also because some are subjected to detention and fear exposure to violence. This combination of factors results in an atmosphere of strain and anxiety.

B. Peru

In the latter part of 1977 a number of governments agreed to make a special effort in order to help in the resettlement of a few hundred Latin American refugees, who are the

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residual caseload of some 3,000 admitted to Peru for transit purposes since 1973. This effort succeeded to the extent that the number of this group still awaiting resettlement has been reduced to 24 cases comprising 54 persons. It is earnestly hoped that this small group of refugees can be accepted in the immediate future. As they have been in transit for a period of two to four years, the depressive effects of the long waiting under enforced idleness and the absence of concrete prospects of resettlement have left their mark. Resettlement offers are also sought for some 30 other persons who arrived in Peru and are also in need of resettlement.

C. Chile

Some 2,500 refugees who were residing in Chile in September 1973 were permanently resettled elsewhere within a few months. Since then the role of UNHCR in Chile has been to ensure family reunification by assisting family members to join close relatives who had been resettled as refugees in various countries. Some 6,000 persons have thus left Chile to date for family reunion purposes, while some 1,000 are still waiting to do so. No major problem is anticipated in that operation, in view of the co-operation of the countries concerned.

D. Other Latin American Countries

Smaller numbers of Latin American refugees have arrived or continue to arrive, usually in transit, in a number of countries on that continent. There are some 250 persons at present in need of speedy resettlement if an aggravation of their situation is to be avoided.

14. Opportunities of resettlement available to Latin American refugees are currently limited to some 1,500. If more countries could indicate their readiness to accept their fair share of the additional 1,850 offers now being sought, this would resolve the problem of the backlog. If the rate of influx remains constant, the monthly registration of resettlement requests should not exceed some 50 cases (150 persons), a goal which the international community might not find difficult to attain once the current backlog is resettled.

IV. Other areas

15. The situation of refugees in other parts of the world is of such a nature that a massive effort to achieve their resettlement is not called for. In Europe for example, the local integration potential of countries of first asylum, coupled with the efficient immigration machinery of overseas countries which admit refugees from European refugee centres, limits problems of refugee resettlement to a minimum. UNHCR efforts are thus geared towards the promotion of the resettlement of handicapped cases through the "Ten or More Plan" or other schemes of that nature, and the admission of refugees on the basis of relaxed criteria as required.

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16. In Africa, the overwhelming majority of refugees find a solution to their problems through local settlement in neighbouring countries of asylum where vast numbers have been integrated, mostly in rural areas. Those requiring resettlement away from their country of refuge are few. UNHCR assistance towards the resettlement of African refugees has been mainly extended to facilitate the admission of emergency cases requiring a haven as a matter of urgency, and for the resettlement of refugees, whose physical handicaps need to be treated outside their country of refuge.

V. Conclusion

17. The measures required to meet the resettlement needs of refugees can be summarized as:

(a) Generous admission quotas by countries which can potentially admit refugees and displaced persons - each taking a fair share of the numbers requiring resettlement.

(b) Liberal criteria for the selection of refugees and displaced persons, thus permitting the prompt utilization of such resettlement offers, which strict or narrow criteria would frustrate or unduly delay.

(c) Special provisions/procedures for the admission of emergency cases and handicapped refugees who find themselves in the two crisis areas reviewed under II and III above and in other UNHCR documents.

18. It will be recalled that the above-mentioned measures were included in the decisions adopted by the Executive Committee of the High Commissioner's Programme at its 28th Session in October 1977. It is thus hoped that a widening circle of countries will participate in the resettlement effort now required and that increased admission quotas could be envisaged by those with a high capacity for absorbing new settlers. UNHCR will continue to pursue the co-ordination of efforts in order to ensure that offers of resettlement do not entail duplication and that governments are advised of gaps in the spectrum of resettlement opportunities when planning for the admission of refugees.

Boat People shown in [ ] brackets but also included in first figure

PERMANENT RESETTLEMENT OF INDO-CHINESE DISPLACED PERSONS

(Data based on information available to UNHCR)

Cumulative figures as of 31 May 1978

Countries of Resettlement	Countries of asylum: Australia	Europe	Hong Kong	Brunei	Japan	Korea	Laos	Malaysia	Philippines	Singapore	Thailand	USA	Indonesia	Macau	Other countries or former residence	TOTAL Resettled
ASIA			19 [18]b)			8		9 [9]	9 [6]a)		1,598 d) [-]	251	1		119	2,014 [33]
AUSTRALIA	1,537 [1,537]	16	234 [6]	11 [11]	3 [3]	5	3	2,143 [1,995]	15 [15]	332 [42]	3,432 [1,390]	116	154 [154]		956	8,957 [5,153]
AUSTRIA			63					17 [17]	5 [5]		147					232 [22]
BELGIUM		5 h)	26			1 [1]		27 [27]	5 [1]		200 [15]	80			712	1,056 [44]
CANADA		9 [1]i)	402 [32]		19 [19]	171 [4]		125 [125]	230 [184]	120 [4]	603 [48]	3,926	9 [9]	6 [6]	1,507 [13]e)	7,127 [445]
DENMARK		1	101					26 [26]			26 [26]				198	352 [52]
FRANCE		4	400 [13]		20 [20]	119 [71]	185	508 [441]	109 [75]	671 [150]	27,780 + 10,801 [784]	1,879	132 [112]	1 [1]	423 [5] f)	32,231 + 10,801 [1,672]
FEDERAL REPUBLIC OF GERMANY			46 [19]			1		58 [51]	51 [48]	36 [36]	442 [60]	49			372	1,055 [214]
ISRAEL															66 [66]k)	66 [66]
ITALY											48	1			167	216
NETHERLANDS					11 [11]			35 [35]	5 [5]		81 [46]	4			67	203 [97]
NEW ZEALAND			1			1 [1]		219 [219]			197 [195]	21			225	664 [415]
NORWAY			83 [83]		15 [15]				17 [17]	8 [8]	210 [120]					333 [243]
SWITZERLAND			34 [33]		41 [41]			18 [18]	2 [2]		109 [102]	2	3 [3]			209 [199]
U. K.			52 [17]		45 [45]			3		54 [49]	113 [59]	30			311	608 [170]
U.S.A.		146 [34]j)	3,607 [1,057]	38 [38]	949 [949]	785 [86]		5,687 [4,275]	1,517 [1,177]	878 [224]	25,952 [3,605]	15 [15]	565 [565]	18 [18]	81 [2]g)	40,238 [12,045]
Other Countries					31 [31]c)			8	3	1		97			11	151 [31]
TOTAL	1,537 [1,537]	181 [35]	5,068 [1,278]	49 [49]	1,134 [1,134]	1,091 [163]	188 [-]	8,883 [7,238]	1,968 [1,535]	2,100 [513]	60,938 + 10,801 [6,250]	6,471 [15]	864 [843]	25 [25]	5,215 [86]	95,712 + 10,801 [20,991]

a) Taiwan
b) Hong Kong
c) Paraguay

d) breakdown: 5 to Japan, 1578 to Malaysia, 9 to Philippines, 6 to Hong Kong

e) 13 from Saudi Arabia
f) 3 from Ivory Coast, 2 from Reunion Isl.

g) 1 from Kuwait, 1 from India

h) 3 from France, 2 from F.R.G.
i) 1 from Spain

j) 28 from Greece, 6 from Italy
k) 66 to Israel

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PERSONS LEAVING THE INDO-CHINESE PENINSULA ON SMALL BOATS
AND ARRIVING IN PORTS OF VARIOUS COUNTRIES
(data based on information available to UNHCR)

BOAT PEOPLE - TEMPORARY ASYLUM
Cumulative Figures as of 31 May 1978

COUNTRY OF TEMPORARY ASYLUM	1975/1976	1977										1978						Total Arrivals	Total Accepted	Departures or local permanent asylum	Accepted Awaiting Departure	Not Yet Accepted	Persons in country (temporary asylum)
		Jan-Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June						
ARGENTINA	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	4	-	-	-	4	4
AUSTRALIA	111	-	-	25	73	47	-	22	112	507	74	64	-	129	49	324	-	1,537	1,537	1,537	-	-	-
BRUNEI	11	-	-	-	-	38	-	-	-	-	-	-	-	-	-	-	-	49	49	49	-	-	-
CHINA	6	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	-	11	-	-	-	11	11
GREECE	3	1	-	15	-	1	10	-	6	-	9	-	-	-	2	-	-	47	28	28	-	19	19
HONG KONG	191	-	19	17	209	229	118	135	250	-	30	38	28	126	85	203	-	1,678	1,278	1,278	-	400	400
INDIA	-	-	-	-	-	93	-	-	-	-	-	-	-	-	-	-	-	93	93	1	92	-	92
INDONESIA	244	91	-	158	139	-	57	72	-	87	75	-	3	4	134	148	-	1,212	843	843	-	369	369
ISRAEL	-	-	-	-	66	-	-	-	-	-	-	-	-	-	-	-	-	66	66	66	-	-	-
ITALY	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	6	6	-	-	-
IVORY COAST	-	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	-	5	3	3	-	2	2
JAPAN	348	43	116	157	133	45	79	204	74	-	-	-	-	-	-	211	-	1,410	1,181	1,134	47	229	276
KOREA, REP. OF	-	-	-	-	-	38	-	53	70	-	-	-	-	45	-	-	-	206	206	163	43	-	43
KUWAIT	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	1	1	-	-	-
MACAU	-	-	-	-	-	25	-	-	-	-	-	-	-	-	-	-	-	25	25	25	-	-	-
MALAYSIA	1,157	535	64	773	731	466	282	807	1,271	562	328	1,361	947	1,469	3,506	3,286	-	17,543	9,138	7,238	1,900	8,405	10,305
PHILIPPINES	712	26	62	160	168	144	204	168	128	51	34	55	19	129	213	314	-	2,587	1,535	1,535	-	1,052	1,052
REUNION IS.	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	2	2	2	-	-	-
SAUDI ARABIA	11	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	14	13	13	-	1	1
SINGAPORE	121	109	4	23	87	-	39	13	33	-	-	27	65	-	143	282	-	946	521	513	8	425	433
SPAIN	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1	1	1	-	-	-
THAILAND	2,347	684	307	464	320	165	152	409	843	411	430	300	431	290	784	933	-	9,430	8,106	6,450	1,656	1,324	2,980
U.S.A.	-	-	-	-	-	-	15	-	-	-	-	-	-	-	-	-	-	15	15	15	-	-	-
TOTAL:	5,268	1,487	652	1,792	1,991	1,234	1,012	1,900	2,717	1,619	980	1,925	1,547	2,147	4,916	5,701		36,888	24,647	20,901	3,746	12,241	15,987

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BREAKDOWN OF ACCEPTANCES BY COUNTRY OF TEMPORARY ASYLUM TO COUNTRY OF ACCEPTANCE

BOAT PEOPLE ONLY

Cumulative figures as of 31 May 1978

COUNTRIES OF ACCEPTANCE / COUNTRY OF TEMPORARY ASYLUM	(figures in brackets show actual departures for resettlement as well as permanent asylum granted locally)																TOTAL ACCEPT	TOTAL DEPARTED OR GRANTED PERMANENT ASYLUM
	AUSTRALIA	AUSTRIA	BELGIUM	CANADA	DENMARK	FRANCE	GERMANY, FED.REP. of	HONG KONG	ISRAEL	NETHERLANDS	NEW ZEALAND	NORWAY	PARAGUAY	SWITZERLAND	TAIWAN	U. K.	U. S. A.	
AUSTRALIA	1,537 (1,537)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,537 (1,537)
BRUNEI	11 (11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	38 (38)	49 (49)
GREECE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	28 (28)	28 (28)
HONG KONG	6 (6)	-	-	32 (32)	-	13 (13)	19 (19)	18 (18)	-	-	-	83 (83)	-	33 (33)	-	17 (17)	1,057 (1,057)	1,278 (1,278)
INDIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	93 (1)	93 (1)
INDONESIA	154 (154)	-	-	9 (9)	-	112 (112)	-	-	-	-	-	-	-	3 (3)	-	-	565 (565)	843 (843)
ISRAEL	-	-	-	-	-	-	-	-	66 (66)	-	-	-	-	-	-	-	-	66 (66)
ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6 (6)	6 (6)
IVORY COAST	-	-	-	-	-	3 (3)	-	-	-	-	-	-	-	-	-	-	-	3 (3)
JAPAN	8 (3)	-	-	21 (19)	-	20 (20)	-	-	-	11 (11)	-	15 (15)	31 (31)	41 (41)	-	45 (45)	989 (949)	1,181 (1,13
KOREA, REP.OF	-	-	1 (1)	4 (4)	-	71 (71)	-	-	-	-	1 (1)	-	-	-	-	-	129 (129)	206 (16
KUWAIT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 (1)	1 (
MACAU	-	-	-	6 (6)	-	1 (1)	-	-	-	-	-	-	-	-	-	-	18 (18)	25 (2
MALAYSIA	2,666 (1,995)	17 (17)	27 (27)	150 (125)	26 (26)	501 (441)	54 (51)	9 (9)	-	35 (35)	219 (219)	-	-	18 (18)	-	-	5,416 (4,275)	9,138 (7,23
PHILIPPINES	15 (15)	5 (5)	1 (1)	184 (184)	-	75 (75)	48 (48)	-	-	5 (5)	-	17 (17)	-	2 (2)	6 (6)	-	1,177 (1,177)	1,535 (1,53
REUNION ISLAND	-	-	-	-	-	2 (2)	-	-	-	-	-	-	-	-	-	-	-	2 (
SAUDI ARABIA	-	-	-	13 (13)	-	-	-	-	-	-	-	-	-	-	-	-	-	13 (13
SINGAPORE	55 (42)	-	-	8 (4)	-	150 (150)	36 (36)	-	-	-	-	9 (8)	-	-	-	49 (49)	224 (224)	521 (51
SPAIN	-	-	-	1 (1)	-	-	-	-	-	-	-	-	-	-	-	-	-	1 (
THAILAND	1,720 (1,390)	-	15 (15)	124 (48)	26 (26)	816 (784)	60 (60)	2	-	46 (46)	195 (195)	120 (120)	-	102 (102)	-	59 (59)	4,821 (3,605)	8,106 (6,45
U. S. A.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15 (15)	15 (
TALS	6,172 (5,153)	22 (22)	44 (44)	552 (445)	52 (52)	1,764 (1,672)	217 (214)	29 (27)	66 (66)	97 (97)	415 (415)	244 (243)	31 (31)	199 (199)	6 (6)	170 (170)	14,577 (12,045)	24,647 (20,90

000113

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MESSAGE

	PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / Nº D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
FM/DE	Ott	EXT	GPL-356	JUN6/78	47-3-UNHCR 37	RESTR

PRECEDENCE

TO/A DACCA

INFO PRMNY GENEV BNGKK

CIDA/ADO/IER/MID/NGO

DISTR. UNS GPS EBD CSO

REF YOURTEL 931 JUN5

SUB/SUJ BURMESE REFUGEES IN BDESH:UNHCR APPEAL

NO/NO CONTRIBUTION MAY29 UNHCR APPEAL FOR BDESH CONTEMPLATED AT THIS TIME. UNS TEL 1001 JUN1 TO GENEV ACKNOWLEDGES RECEIPT ON BEHALF SSEA OF HARTLING TEL AND GIVES CONSIDERATIONS AGAINST WHICH THIS APPEAL MUST BE TREATED.

2. ONE OF PRIME CONSIDERATIONS AFFECTING ANY FURTHER CDN CONTRIBUTION TO RELIEF OPERATIONS IN BDESH WILL BE RESULT OF NEGOTIATIONS BETWEEN BDESH FOREIGN MINISTER AND BURMESE TAKING PLACEJUN6 IN RANGOON. ACCORDING TO BNGKK TEL712 JUN5 LITTLE WILL RESULT UNLESS BDESH WILLING TO MAKE CONCESSIONS TO INTRANSIGENT GOB GIVEN FACT LARGE NUMBERS OF MOSLEMS COMING FROM BURMA WERE ALLEGEDLY ILLEGAL ALIENS IN BURMA.

3. IF NO/NO BILATERAL POLITICAL SOLUTION TO PROBLEMS EMERGES IN NEXT FEW WEEKS INTERDEPARTMENTAL CONSIDERATION

.../2

JUN 6 22 78

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. B. BURTON/cec	GPL	2-1743	SIG. E. HEPNER

EXT 16/BIL (REV 8/70)

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WILL HAVE TO BE GIVEN TO A FURTHER CDN CONTRIBUTION TO THE RELIEF OPERATIONS IN BDESH. IN MEANTIME GRATEFUL YOUR CONTINUED REPORTS ON BOTH HUMANITARIAN AND POLITICAL SIT. INCLUDING REPORTS OF BILATERAL CONTRIBUTIONS TO GOBD.

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EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

JUIN JUNE 20 1978
Att'n: Wang

TO / À: FILE

FROM / De: B. Gillies

REFERENCE / Référence:

SUBJECT / Sujet: Visit of FLP to Geneva

SECURITY / Sécurité: RESTRICTED

DATE: June 6, 1978

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA
47-4-UNHCR
MISSION
RB
A-4.

cc 20-5-2-9
38-4-UNCTAD-3
20-5-2-2

ENCLOSURES / Annexes

DISTRIBUTION

R. McKinnon
J. Paynter
FLP, FLO, FLA, UNS

On May 29, 1978, Mr. Copithorne, FLP, visited Geneva to review the legal issues which are being discussed in various U.N. bodies in Geneva.

U.N.H.C.R.

Mr. Copithorne met with Mr. Patrnogic, Chief of the Conferences and Treaty Section of the Office of the U.N. High Commissioner for Refugees. Mr. Patrnogic outlined the work of the International Institute of Humanitarian Law at San Remo. The Institute will be holding a round table discussion from September 6-10, 1978 on the following topics:

1) the relationship between Human Rights, Humanitarian Law and Disarmament. This topic is of special interest to the I.C.R.C. which wishes to ensure that the law relating to human rights and humanitarian law are kept separate. The I.C.R.C. fears that if the two are viewed as one body of law, the force of the Geneva conventions will be weakened;

2) the role of legal advisors in the Armed Forces as regards the Geneva conventions and especially Protocol I;

3) the International Convention against Torture which is being drafted by the Commission on Human Rights (C.H.R.). This topic is of interest to the I.C.R.C. since the C.H.R. will have to consider how a new convention on torture will relate to the Geneva Conventions and the Protocols. A small working group will be created at the San Remo conference to consider this topic. The Gauthier proposal to create an international organization similar to the I.C.R.C. which would visit prisons to investigate allegations of torture will be discussed.

.../2

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4) Refugees in Orbit. The UNHCR will present a report on this topic as a basis for discussion.

Mr. Copithorne met Mr. Jaeger, Director of Protection of the UNHCR. Mr. Jaeger mentioned various regional meetings which are being held to discuss the situation of refugees. Regional seminars can aid in the development of universally recognized principles of international law in regards to refugees. The All Africa Conference of Churches (A.A.C.C.) is planning to hold a seminar in late 1979 or early 1980 to make the African countries more aware of the refugee problems. The planning committee of the conference will be made up of the OAU, UNHCR, Economic Commission for Africa, AACC and various NGO's, especially those from Scandinavia. In the past, the refugee problems of Africa have been caused by decolonization and the aftermath of decolonization and thus the African countries were very willing to assist these refugees. However now more of the refugee problems in Africa are caused by indigeneous political problems and African countries are ambivalent about these new refugee movements. The seminar would be designed to make the African countries consider this new problem and what changes should be made in the countries' laws regarding refugees.

In Latin American, the Catholic Church will be holding a meeting in October 1978 in Pueblo, Mexico to discuss the social and economic problems of Latin America. The conference will touch on the problem of refugees in Latin America.

Mr. Jaeger also discussed the relationship between China and the UNHCR. China does not participate in the work of the UNHCR, but the UNHCR and China do keep in contact. The UNHCR has bought some materials for its relief work in South East Asia in China. As well the UNHCR and China cooperated unofficially in the reintegration of refugees in Southern Sudan. Recently 6 Vietnamese boat cases landed in Canton and China asked the UNHCR to take them out of Chine and resettle them. UNHCR hopes that eventually China will participate in its work.

International Commission of Jurists

Mr. Copithorne met with Mr. Neil McDermott of the International Commission of Jurists, and discussed the Torture Convention which is being drafted by the CHR. Mr. McDermott stated that he is starting to doubt the value of the communications procedure such provided for the Covenent on Civil and Political Rights. He believed that it would be best in regard to the torture convention to develop a different procedure. It might be possible to make the Gauthier proposal an optional protocol to a Convention against Torture. Those who signed the optional protocol would allow their prisons to be visited by inspectors who would report on their to an annual meeting of those who have signed the optional protocol. This will be discussed at a non-governmental seminar at St.Gallen in late June. Mr. McDermott

Optional Protocol

on Their Own?

.../3

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 RESTRICTED

this was already set up at the last session

stated that it was necessary that the CHR set up a special working group on torture which would meet intersessionally to draft a convention. He stated that the ICJ at the last session of the CHR asked the CHR to declare torture to be a crime under international law because this would be the most solemn form of condemnation of torture by the international community and the ICJ will continue to press this point of view in the CHR.

The ICJ has set up a Centre for the Independence of Judges and Lawyers (CIH). A bulletin is published three or four times yearly. In these bulletins there will be reports on the situation of lawyers and judges in various countries. Recently a mission consisting of Members of the American Bar Association and the New York Bar Association was sent by the Centre to Uruguay to investigate the arrest of four defence lawyers. It is planned to send such investigatory missions to other countries.

The ICJ continues to hold seminars in various regions of the world. A seminar with participants from Francophone Africa will be held in September 1978 in Dakar Senegal to discuss "le Développement et le Droit de l'Homme." Next year a seminar will be held in South America to discuss the human rights problems of the hill peoples of the Andes i.e. land problems in the Andes region, problems of migrant workers and trade unions. In 1980 the Asian regional Association of Human Rights will probably hold a seminar on human rights in Asia.

UNCTAD

Mr. Copithorne met with Mr. Caufield, the legal advisor of UNCTAD, to discuss the political and legal aspects of his work at UNCTAD. Discussions are going on in UNCTAD as to whether the Code of Conduct on the Transfer of Technology should be legal binding or not. Some countries favour a Zebra Code in which some articles would be legally binding while others would not be. In UNCTAD as in some other bodies, some developing countries do not want to refer to international law since they believe that they did not have any involvement in creating it.

International Law Commission

Mr. Copithorne met with Mr. Quentin-Baxter to discuss the work of the International Law Commission (I.L.C.). Mr. Quentin-Baxter will be going to Ottawa in July to discuss the work of the I.L.C. with the legal bureau. He mentioned that certain members of the I.L.C. may be elected to the International Court of Justice. It would thus be necessary for the I.L.C. at the beginning of the next session of the Commission to choose people to replace those who have left. Already there is a dispute over whether the seat of M. Ago of Italy, if he is elected to the I.C.J., would be given to a representative of the Nordic legal system or to a someone from a southern European country such as Spain. Since the death of Mr. Hambro of Norway in 1977, the Scandinavians have not been represented on the I.L.C. It is expected that Finland will put forward a candidate for the I.L.C. A separate report will be sent on the work of the I.L.C. at this session.

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Division of Human Rights

Mr. Copithorne visited Mr. Theo Van Boven, Director of the Division of Human Rights and discussed the confidential procedure of the Commission on Human Rights and the communications from Canadians to the Human Rights Committee.

Bruce Gillies

B. Gillies

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MESSAGE

PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / Nº D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
OTT	EXT	GPL-254	MAY16 1977	47-3-UN HCR 30 -	CONFD CDN EYES ONLY

PRECEDENCE

TO/A BNGKK AMB BAUER ONLY

INFO MANDIOTT/IFAP CIDAOTT/ADO

DISTR. GPP UNS

REF OURTEL 162 MAR16/77

SUB/SUJ REFUGEES IN THAILAND

GRATEFUL SITREP THAILAND REFUGEE PROBLEM.

2. ONLY TWO FIRM DVLPMTS THIS END (A) ALLOCATION OF 200-300 PLACES TO REFUGEES IN THAILAND INCLUDING BOAT PEOPLE BEFORE MANDI MIN NOW (B) CIDA PROVISION OF BILATERAL FOOD AID (MILK POWDER) SUBJECT TO MIN APPROVAL. BOTH THESE PROVISIONS EXPECTED TO BE APPROVED.

3. AS YET NO/NO FIRM DECISION ON FINANCIAL SUPPORT FOR INTEGRATION/SETTLEMENT PROGRAM IN THAILAND. WOULD HELP TO KNOW RESULTS YOUR APPROACHES THAI/UNHCR OFFICIALS THIS MATTER.

4. THAI AMB OTT HAS SENT SSEA FIRST PERSON NOTE REQUESTING CDN RESPONSE UNHCR APPEAL OF FEB25 REGARDING FIN SUPPORT UNHCR THAI PROGRAM. NOT/NOT CLEAR AS YET IF CDN FIN SUPPORT UNHCR APPEAL FORTHCOMING HOWEVER WE CONSIDER SUCH FIN COMMITMENT IMPORTANT FOR FUTURE ACCEPTANCE BY THAIS AND UNHCR OF INTEGRATION/SETTLEMENT PROGRAM (IN ADDITION GENERAL SUPPORT AIMS OF UNHCR). GRATEFUL YOUR VIEWS OUR POSITION FROM YOUR CLOSER PERSPECTIVE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG P.J.A.HANCOCK/rjt B.E.BURTON/2-1743	GPL	2-0952	SIG A. DOUGLAS SMALL

EXT 18/BIL (REV 6/70)

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OTT- THAILAND

ROYAL THAI EMBASSY
OTTAWA

No. 634/2520

May 8, 1977

47-3-UNHCR
37 | 20

Sir,

I have the honour to refer to the United Nations High Commissioner for Refugee's appeal to the international community for humanitarian assistance to displaced persons from Laos, Cambodia and Vietnam in Thailand. Attached herewith is a copy of UNHCR Note dated February 25, 1977 on this particular subject together with other relevant documents.

As of April 10th this year, there were 77,314 Indochinese displaced persons in Thailand and the number is increasing with the arrival of some of these people in small boats (1,297 Vietnamese). While the Government and people of Thailand attach great significance to the humanitarian aspects of this problem, we realize only too well that because we have to cope at present with many internal problems, the burden is such that Thailand can never do it alone and for that reason, we deeply appreciated the humanitarian role and assistance that has been shown by Canada in the past. My Government, therefore, fervently hopes that the Canadian Government will give favourable consideration to the UNHCR appeal both regarding resettlement opportunities for those displaced persons in Canada as well as the financial support of the UNHCR Programme in Thailand.

Please accept, Sir, the assurances of my highest consideration.

Sakol Vanabriksha.
(Sakol Vanabriksha)

Ambassador

The Honourable Donald C. Jamieson, P.C., M.P.
Secretary of State for External Affairs,
Department of External Affairs,
Ottawa, Ontario.

000121

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O/SSEA

MAY 9 1977

REGISTRY

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17 MAR 1977

UNHCR ASSISTANCE IN 1977
FOR DISPLACED PERSONS FROM INDO-CHINA
IN THAILAND AND OTHER COUNTRIES IN ASIA

Government letter

25 February 1977

Sir,

I have the honour to refer to the programmes of humanitarian assistance undertaken by my Office in 1975-1976 for Indo-Chinese displaced persons in Thailand and other countries in Asia.

With the support of generous contributions from a number of Governments, my Office was able to meet urgent needs for food, shelter, clothing and medical care, and to find resettlement opportunities in various other countries for over 54,000 of these persons.

However, while much has been accomplished, the problems of the displaced persons from Indo-China remain largely unresolved. At the end of 1976, the Government of Thailand estimated that there were some 77,000 displaced Indo-Chinese in Thailand requiring assistance. The number in need has continued to increase as a result of new arrivals in various countries, in particular of persons in small boats.

To meet this situation, my Office, in consultation with the governments concerned, has drawn up a comprehensive programme of material assistance and resettlement in 1977. Details of this programme are given in the attached Note. The cost is estimated at US$ 14,400,000, of which US$ 12,350,000 are needed for Thailand and US$ 2,050,000 for other countries.

I am, therefore, appealing to your Government to contribute to the financing of this programme. In doing so, I should like to recall that the General Assembly of the United Nations, in resolution 3455 (XXX), adopted at its thirtieth session, recognized the need for continued humanitarian assistance for Indo-Chinese displaced persons, and urged the international community further to strengthen its support of the efforts of my Office in this regard. In the light of the overall context of developments in the region, the programme drawn up by my Office has assumed considerable importance. Your Government's generous financial support of this Programme would not only alleviate human suffering but would also contribute to peace and stability in the area.

Accept, Sir, the assurances of my highest consideration.

Sadruddin Aga Khan
High Commissioner for Refugees

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NOTE ON UNHCR ASSISTANCE IN 1977 FOR DISPLACED PERSONS FROM INDO-CHINA IN THAILAND AND OTHER COUNTRIES IN ASIA

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HCR/155/8/77
GE.77-3048

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NOTE ON UNHCR ASSISTANCE IN 1977 FOR DISPLACED PERSONS FROM INDO-CHINA IN THAILAND AND OTHER COUNTRIES IN ASIA

I INTRODUCTION

1. Following events in the spring of 1975 in the Indo-China Peninsula, a substantial number of persons left Democratic Kampuchea, the Lao People's Democratic Republic and the Socialist Republic of Viet Nam for other countries in Asia and elsewhere. In Thailand, the influx of displaced persons from Indo-China, mainly from the Lao People's Democratic Republic, continued throughout 1975, reaching, according to estimates of the Government of Thailand, more than 88,000 persons at the end of 1975. In 1976, arrivals continued, although at a decreasing rate, so that by the end of 1976 more than 114,000 displaced persons from Indo-China had been registered by the Thai authorities. Some 37,000 persons departed for resettlement in other countries, leaving the number requiring assistance at the end of December at nearly 77,000.

2. At the request of the Government of Thailand, the High Commissioner undertook a programme of assistance for these persons in the period 1975/76. This met such immediate needs as food, shelter, clothing, medical care, household utensils and agricultural implements, and provided assistance where required towards the cost of transporting those accepted for resettlement in a third country. To finance this programme, the cost of which was estimated at US$ 12,400,000, the High Commissioner, on 29 August 1975 and 30 January 1976, appealed to Governments for contributions. Contributions in cash and kind received as of 31 December 1976 amounted to US$ 10,579,667, permitting UNHCR to carry out the programme largely as planned. Contributions of nearly US$ 2,700,000 made by voluntary agencies, international and local, helped towards meeting certain urgent needs, particularly during the initial period, enabling UNHCR funds to be directed to other areas of priority.

3. Within the framework of a resettlement and repatriation programme for displaced persons from Indo-China outside their countries of origin, the High Commissioner, in co-operation with Governments and intergovernmental and non-governmental organisations, assisted, during 1975/76, in the resettlement in other countries, of more than 54,000 persons,[1] as well as in the voluntary repatriation to their country of origin of isolated cases. Towards a financial target of US$ 10,200,000 for this programme, contributions received as of 31 December 1976 totalled US$ 8,041,145. UNHCR assistance, under this programme, was directed towards meeting the cost of temporary care and maintenance pending durable solutions; transportation to the country of resettlement, where required, or, in the case of voluntary repatriation, to the country of origin; and local settlement whenever this became feasible.

4. A new and urgent dimension was added to this programme with the arrival, beginning in late 1975, in the countries bordering the South China Sea, principally Indonesia, Malaysia, the Philippines and Thailand, of small boats carrying persons from Viet Nam. Other persons, rescued on the high seas by passing ships, were admitted temporarily by countries of the first port-of-call such as Hong Kong, Japan and Singapore. While the number of "boat people" was relatively small, reaching some 5,100 persons at the end of December 1976,[2] the problems of their temporary admission to countries of the first port-of-call and their resettlement in third countries were immediate and pressing. The High Commissioner, accordingly drew the attention of

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1/ including some 37,000 persons from Thailand.
2/ Of this number, resettlement opportunities had been found, as of 31 December 1976, for some 2,700 persons.

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Governments on 28 July 1976 to this problem in an Appeal in which he requested resettlement opportunities. In the meantime, he continued to provide temporary assistance for these persons in the countries of asylum pending their resettlement elsewhere. Despite some progress in dealing with this situation, problems created by the continuing arrival of "boat cases" remain, and there is a need for additional resettlement opportunities, and temporary care pending resettlement.

5. The material assistance and resettlement efforts undertaken by UNHCR during 1975/76 for displaced Indochinese outside their countries of origin helped to alleviate initial and urgent needs and enabled a sizeable number of persons to begin new lives. However, despite considerable resettlement efforts, the caseload in Thailand and elsewhere continued to increase as a result of new arrivals and because voluntary repatriation failed to materialise to any significant extent.

6. Consequently, after an assessment of the situation in consultation with the Governments concerned, the High Commissioner concluded that the continuing problems posed by the caseload in Thailand and new arrivals of "boat cases" called for further efforts. In collaboration with the governments concerned, he accordingly elaborated a comprehensive programme of assistance for 1977. This programme, the financial target of which is estimated at US$ 14,400,000, is directed towards meeting material assistance and resettlement costs, foreseen at US$ 12,350,000 for those in Thailand and US$ 2,050,000 for those in other countries in Asia. This target reflects the minimum needs of the present caseload. It is expected, as in the past, that non-governmental sources, in particular voluntary agencies, will continue to make available additional assistance.

7. The High Commissioner, therefore, hopes that, as in the past, Governments will continue to provide him with the necessary financial means to implement a programme of humanitarian assistance in 1977 for Indo-Chinese displaced persons in Thailand and other Asian countries. While the complex and fluid situation in the region makes long-term planning difficult, he believes, taking into account the continuing input expected from other sources, intergovernmental and non-governmental, the US$ 14,400,000 required for UNHCR assistance in 1977 will be sufficient to cover the essential needs of the present caseload.

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II UNHCR ASSISTANCE IN THAILAND

Background

8. Since the spring of 1975, more than 114,000 persons from Indo-China entered Thailand. Of these some 37,000 persons were resettled in third countries leaving, at the end of 1976, a caseload of nearly 77,000 persons, of whom some 10,000 originate from Democratic Kampuchea, 64,000 from the Lao People's Democratic Republic and 3,000 from the Socialist Republic of Viet Nam.

9. The various displaced groups from Indo-China are presently accommodated in fifteen temporary centres around the country. Four centres for the Khmers are located in the provinces of Surin (Prasat district), Prachinburi (Aranyaprathet district), Trat (Khlong Yai district), and Chantaburi (Pong Nam Ron district). Eight centres group together Laotians and are located in the provinces of Chieng Rai (Chieng Khong and Chieng Kham districts), Nan (Pua district and Mae Charim sub-district), Uttaradit (Pak Tha district), Nong Khai (Nong Khai district), Loei (Pak Chom district), and Ubon Ratchathani (Ubon Ratchathani district). The centre reserved for the small group of Vietnamese is in Nakhon Ratchasima province (Si Khiu district). The "boat people" from Viet Nam, although arriving in various places along the coast of the Gulf of Thailand, are regrouped in the southern province of Songkhla and in Laem Sing in Chantaburi Province on the other side of the Gulf of Thailand.

10. The caseload is of both rural and urban origin, with the overwhelming majority of the Lao belonging to hill tribes such as the Hmong (Meo), Yao and Lao Theung. The remaining Lao are ethnic Lao and Thai Dam, principally of urban origin, as are twenty per cent of the Khmers and a great majority of the Vietnamese.

11. Implementation of the 1975/76 programme was undertaken by the Government through the Operations Centre for Displaced Persons set up in June 1975 within the Ministry of the Interior, and through the provincial authorities. A Supervising Board comprising representatives of all departments and ministries concerned ensures liaison within the Thai administration. Close liaison is maintained with the UNHCR Regional Representative in Bangkok who in turn, through the UNHCR field offices located in the areas of greatest concentration of the displaced persons, and through regular trips with the Director of the Operations Centre, ensures the overall co-ordination and control of the assistance programme.

12. The programme for 1975/76 was based on the projected needs of 45,000 persons and on the assumption that, during this period, durable solutions, through resettlement in a third country or voluntary repatriation, would be found for the greater part of the caseload. Although resettlement opportunities were found for some 37,000 persons[1], voluntary repatriation did not take place, with the result that major emphasis had to be given to improving the material conditions of the centres, and to promoting the self-sufficiency of the displaced persons.

13. The programme for 1977, totalling US$ 12,350,000, is based, in large part, on the material assistance and resettlement requirements of an estimated caseload of 80,000 persons.[2] While continuing to emphasise the basic needs of the displaced persons, the programme includes a significant allocation for self-reliance projects, not only in order to reduce overall costs but also to

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1/ More than US$ 3,900,000 was spent for the resettlement from Thailand of this caseload. Of this, US$ 600,000 was committed under the 1975/76 Thailand Programme and US$ 3,300,000 under the Resettlement and Repatriation Programme.

2/ Based on the rate of arrivals, and taking into account those expected to qualify for resettlement in other countries, it is anticipated that the caseload will average some 80,000 persons during 1977.

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engage the displaced persons in productive occupations and encourage them to help themselves. Additionally, as hitherto, the 1977 programme will continue to provide resettlement assistance whenever such opportunities become available.

14. As in 1975/76, the legal framework of UNHCR assistance in Thailand will be maintained through the conclusion of a Basic Agreement with the Government, embodying standard UNHCR clauses relating, inter alia, to audit and inspection, reporting on implementation of projects, and financial accounting. The UNHCR Regional Office for Eastern South Asia in Bangkok, assisted by the network of field offices, will be responsible, as in the past, in liaison with the Government of Thailand, for the co-ordination and control of the programme.

15. The programme described below does not include supporting contributions from the Government such as land to accommodate the displaced persons and for self-reliance projects, facilities for implementing the programme in the form of personnel, administrative services, transport and medical care. Account is also taken of the inputs that are expected to be made by a number of international voluntary agencies. These inputs were an important factor in results achieved in 1975/76, and an effective system of co-ordination is now maintained in Bangkok and the centres to avoid duplication of effort.

16. The 1977 UNHCR Programme for Thailand has, accordingly, been planned to provide four broad categories of assistance: basic needs; self-reliance and education; inland transportation; resettlement.

Basic Needs — US$ 6,500,000

17. An amount of US$ 6,500,000 is foreseen for the provision of basic needs such as food, durable shelter, medical care, water supply, clothing and household equipment, of which details are as follows:

(a) Food aid for which US$ 5,000,000 will be required to provide the basic ration of rice (15 kilograms per adult per month and half that quantity per child), meat, dried fish, vegetables, salt and nampla (fish sauce), and cooking oil. The estimated cost, which constitutes, as in 1975/76, the major expenditure under the Programme, representing some 40 per cent of the total financial requirements in 1977, is based on a caseload of some 80,000 persons at an average of US$ 0.17 per person per day. Assistance in 1977 began at a higher daily cost, but the estimates take into account the continuing impact of self-reliance projects (described more fully in paragraphs 18-20 below). Rice, the major component of the ration, will, nevertheless, have to be provided throughout the year.

(b) Durable shelter for which US$ 500,000 is foreseen. The funds will be required to assist new arrivals with shelter and to maintain existing facilities. Wherever possible materials will be provided to enable the displaced persons themselves to construct low-cost family dwellings. In some centres, however, larger shelters, with communal facilities, will be constructed. These average US$ 200 per family of five persons.

(c) Medical care for which US$ 350,000 will be needed. This will cover the cost of medicines and related medical support in dispensaries and health clinics in the centres. Provision is also made for the continuation of programmes of preventive care. The Thai Red Cross will again provide technical assistance for this component of the programme.

(d) Water supply for which US$ 250,000 is foreseen. This will provide drinking water in the centres, and water for irrigation and community needs, including self-reliance projects. More electric generators and hydraulic pumps will be provided under this chapter.

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(e) Clothing, household equipment, blankets for which US$ 250,000 is included to meet the domestic needs of new arrivals, including the provision of blankets, mosquito nets, repair kits, clothing and domestic utensils. In addition, US$ 150,000 will be needed for charcoal and firewood (to the extent it is no longer available free).

Self-reliance and Educational Assistance — US$ 2,100,000

18. Pending durable solutions, some self-help projects were initiated in 1976, and helped to reduce the cost of the programme. The authorities extended facilities for cultivating vegetables, raising domestic livestock and engaging in small-scale cottage industries such as spinning/weaving, metal work and other handicrafts. The programme for 1977 foresees a continuation of projects of this nature designed to encourage self-reliance. A provision of US$ 2,000,000 is included for this purpose.

19. The funds will be used to provide the displaced persons with the means necessary to engage in such projects, and thus earn part of their livelihood. Although they will not be able to cultivate rice in their present locations, it is expected they will be able to supply a large part of their other food requirements, thereby helping to limit overall food costs.

20. Efforts will continue, in close collaboration with the authorities, to promote durable solutions with a view to reducing the need for temporary assistance. Pending the realisation of such solutions, these projects constitute an important and essential element in not only reducing overall costs but also in maintaining the morale and spirit of self-help of the displaced persons.

21. Additionally, US$ 100,000 is foreseen for the extension of primary education and elementary vocational training facilities in the centres.

Inland Transport and Logistical Support — US $ 300,000

22. As in 1975/76, inland transport within Thailand and logistical support will be mainly provided by the authorities. However, for needs such as the transport of those accepted for resettlement in other countries from their actual locations to the processing and transit centre in Bangkok, assistance in an amount of US$ 300,000 will be required.

Transport Costs related to Resettlement — US$ 2,500,000

23. Emphasis will continue to be given in 1977 to promoting resettlement opportunities in third countries. As in the past, UNHCR will cover the transport costs only of those persons whose travel costs will not be met by the governments of the countries of resettlement under their own programmes. Present estimates suggest that the resettlement caseload in 1977 will be no more than 9,500 persons for whom US$ 2,500,000 will be required to cover their travel costs to the countries of resettlement at an average of US$ 265 per person.

Programme Support and Contingency Reserve — US$ 950,000

24. An amount of US$ 950,000 is estimated for programme support costs and contingency reserve.

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UNHCR ASSISTANCE IN 1977 FOR DISPLACED PERSONS FROM INDOCHINA IN THAILAND

(SUMMARY OF BUDGETARY ESTIMATES)

		(in US dollars)
Basic Needs		6,500,000
(a) Food (basic rations: rice, meat, fish sauce, cooking oil, vegetables)	5,000,000	
(b) Durable Shelter	500,000	
(c) Medical Care (preventive and curative sanitation)	350,000	
(d) Water Supply	250,000	
(e) Clothing, Household Equipment, Blankets, Mosquito Nets etc.	400,000	
Self-Reliance and Educational Assistance		2,100,000
(a) Self-reliance projects	2,000,000	
(b) Educational Assistance	100,000	
Inland Transport and Logistical Support		300,000
Transport Costs related to Resettlement		2,500,000
Programme Support and Contingency Reserve		950,000
		12,350,000

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III UNHCR ASSISTANCE IN OTHER ASIAN COUNTRIES

Background

25. As in 1975/76, the main emphasis of the UNHCR programme for displaced persons from Indo-China in other countries in Asia relates principally to the promotion of resettlement opportunities in third countries and, pending resettlement on the provision of care and maintenance. The funds will also be made available to facilitate local settlement in Malaysia, and for voluntary repatriation to the country of origin if this solution becomes feasible.

26. The amount of US$ 2,050,000 estimated for this purpose for 1977 is based on a caseload of some 2,000-2,500 persons comprising mainly the 'boat cases' from Viet Nam. These funds will be used in the countries bordering the South China Sea, principally Indonesia, Malaysia, the Philippines and Singapore, although financial assistance will also be required for those boat cases rescued on the high seas and admitted temporarily to countries of first port-of-call such as Hong Kong, Japan, and elsewhere.

27. For UNHCR assistance in 1977 in Hong Kong, Indonesia, Malaysia and Singapore, the UNHCR Regional Office for Eastern South Asia, in close collaboration with the governments concerned, will continue to co-ordinate UNHCR activities in these countries. Assistance in Japan and the Philippines will be provided through the UNHCR offices in Tokyo and Manila, in close co-operation with the governments concerned.

Assistance pending Resettlement — US$ 1,360,000

28. Based on experience during 1976 for similar cases, an amount of US$ 1,360,000 will be required for the care and maintenance of the above caseload pending resettlement. Naturally, every effort will be made to reduce the period of waiting before the completion of resettlement formalities, so that care and maintenance costs will be kept to the minimum.

Transport Costs related to Resettlement — US$ 340,000

29. It is anticipated that between 2,000-2,500 displaced persons from Indo-China arriving in other countries in Asia will require resettlement opportunities during 1977. As in the past, funds will not be required for the transportation of those cases whose travel costs will be met by the governments of the countries of resettlement under their own programmes. The travel costs for this caseload, estimated at US$ 340,000, from the countries of asylum to the countries of resettlement will be met by UNHCR.

Local Settlement in Asian countries — US$ 50,000

30. An amount of US$ 50,000 is included to finance the local settlement in Malaysia of a small number of displaced persons from Democratic Kampuchea. This project, based on a similar project during 1975/76, will be implemented by the Pertubuhan Kebasikan Islam Malaysia (PERKIM), a Muslim welfare organisation, in co-operation with the Malaysian Red Crescent Society. The UNHCR Regional Office for Eastern South Asia, based in Kuala Lumpur, will be responsible for ensuring effective co-ordination of this project. The measures envisaged to facilitate local integration include housing assistance, primary education and vocational training as well as some initial establishment assistance.

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Programme Support and Contingency Reserve US$ 300,000

31. An amount of US$ 300,000 is estimated for programme support costs and contingency reserve.

Geneva, February 1977

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UNHCR ASSISTANCE IN 1977 FOR DISPLACED PERSONS FROM INSOCHINA IN OTHER COUNTRIES

(SUMMARY OF BUDGETARY ESTIMATES)

(in US dollars)

Assistance pending Resettlement (care and maintenance, including food rations, medical care, household equipment)	1,360,000
Transport Costs related to Resettlement	340,000
Local Settlement in Asian Countries	50,000
Programme Support and Contingency Reserve	300,000
Total	2,050,000

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MESSAGE

PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / Nº D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
FM/DE OTT	EXT	GPL-199	APR11 1978	47-4-UNHCR 34	RESTR

PRECEDENCE

TO/A BNGKK

INFO SPORE KLMPR HKONG JKRTA PEKIN WSHDC TOKYO
EANDI/IFAP CIDAOTT/ADO/MID

DISTR. MIN/BURNEY
GPO UNS FPR GNG

APR 11 22 2 22, '78

REF YOURTEL 544 APR10

SUB/SUJ TURCOTT VISIT TO THAI REFUGEE CAMPS

AGREE THERE IS VALUE IN EMB POLITICAL OFFICER ACCOMPANYING TURCOTT, WILSON AND HAMILTON TO REFUGEE CAMPS. WE LOOK FORWARD TO REPORT ON SIT IN SOUTHERN THAILAND AND ARANYAPRATHET DISTRICT (IF VISITED).

2. AGREE CAUTION SHOULD BE EXERCISED BY CDN OFFICIALS WHILE IN CAMPS ESPECIALLY IN LIGHT OF FACT THEY ARE ESSENTIALLY ALONG AS QUOTE OBSERVERS UNQUOTE. WE PRESUME TURCOTT AS SEASONED RESPONSIBLE JOURNALIST, AND GIVEN SPECIAL NATURE OF PERMISSION GRANTED BY THAIS, WILL EXERCISE OBJECTIVITY AND SOME CAUTION AS WELL. WE DO NOT/NOT WISH TO SEE THAI SENSITIVITIES RUFFLED OR HAVE DOOR CLOSED TO POSSIBLE SUBSEQUENT VISITS BY CDN MEDIA REPS.

3. SCUTTLEBUT RE USA INDOCHINESE REFUGEE POLICY MENTIONED PARA 4 YOUR TEL CORRECT. GPL TEL189 APR4 AND WSHDC TEL1378 APR5 (EN ROUTE BY BAG) AS WELL AS N.Y. TIMES ARTICLE OF MAR31 - REFER.

... 2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. B. BURTON/MJC	GPL	2-1743	SIG. A. DOUGLAS SMALL

EXT 18/BIL (REV 6/70)

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4. WE WOULD ALSO APPRECIATE YOUR TAKING OPPORTUNITY OF VISIT TO REFUGEE CAMPS TO OBSERVE AND REPORT ON EFFECTIVENESS AND CAPABILITIES OF UNHCR COORDINATING ROLE VIS-A-VIS REFUGEES IN THAILAND. ~~THIS SHOULD BE DONE IN A DISCREET MANNER~~.

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MESSAGE

PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / Nº D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
OTT	EXT	GPL-164	MAR16 1977	47-3-UNHCR	CONFD CEO

FM/DE

PRECEDENCE

TO/A BNGKK/AMB BAUER ONLY

INFO

DISTR. GPP

REF OURTEL 162 MAR16

SUB/SUJ REFUGEES IN THAILAND

THAI REACTION TO OFFER OF 200,000/200,000 DOLLARS FOOD AID (CIDATEL 0711 MAR10) MAY BE INTERPRETED BY CIDA AS INDICATIVE OF THAI ATTITUDE TO UNHCR REFUGEE SETTLEMENT PROPOSAL.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. H. R. BALLOCH/mjc	GPL	2-1743	SIG. P. J. A. HANCOCK

EXT 16/BIL (REV 6/70)

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MESSAGE

	PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
FM/DE	OTT	EXT	GPL-162	MAR16 1977	47-3-UNHCR 30	CONFD CEO

PRECEDENCE

TO/A BNGKK

INFO MANDI/OTT/IFAP CIDA/ADO GENEVA

DISTR. GPP GPO CSO CSR UNS

REF YOURTEL ZHIM 0095 FEB3/77

SUB/SUJ REFUGEES IN THAILAND

AS DISCUSSED WITH AMB BAUER IN OTT INTERDEPTL REVIEW OF REFUGEE SITUATION THAILAND HAS PRODUCED INITIAL AGREEMENT ON PLAN OF ACTION. PROPOSED CDN APPROACH WILL CONSIST OF: (A) ALLOCATION OF REMAINING 359 PLACES FROM USA ALLOTMENT OF INDOCHINA PROGRAM TO REFUGEES IN THAILAND AND BOAT CASES (MANDI MIN APPROVAL REQUESTED); AND (B) POSITIVE APPROACH TO A REQUEST FOR FINANCIAL SUPPORT INNATLLY-FUNDED INTEGRATION/SETTLEMENT PROGRAM IN THAILAND ASSUMING UNHCR CONDUIT FOR ASSISTANCE AND FULL SUPPORT OF THAI GOVT. CIDA HAS INDICATED THAT GIVEN UNHCR PARTICIPATION AND THAI SUPPORT, FINANCIAL ASSISTANCE WILL BE CONSIDERED.

2. DUE TO NEED FOR FULL SUPPORT AND ACTIVE INVOLVEMENT OF BOTH CENTRAL AND PROVINCIAL GOVTS OF THAILAND IN SOLUTION, PROGRESS MAY BE SLOW AND ENCOURAGEMENT OF THAI AND UNHCR AUTHORITIES DELICATE. FOLLOWING INSTRUCTIONS THEREFORE MEANT TO BE INDICATIVE; BEING CLOSER TO SITUATION YOUR PERSPECTIVE MAY SUGGEST MODIFICATIONS.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. H. R. Balloch H. R. BALLOCH/mjc	GPL	2-1743	SIG. W. J. A. Hancock W. J. A. HANCOCK

EXT 16/BIL (REV 8/70)

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3. FIRST STEP SHOULD BE INFORMAL DISCUSSION WITH UNHCR/BNGKK TO EXPLORE WILLINGNESS TO PLAY OPERATIVE ROLE IN PROPOSED INTEGRATION/ SETTLEMENT PROGRAM IN THAILAND IF THAI GOVT SUPPORT IS FORTHCOMING. PROGRAM COULD BE FUNDED THROUGH SPECIAL MEDIUM-TERM COMMITMENT OF GROUP OF DONORS AND NOT FROM FUNDS UNHCR RAISES FOR STANDARD OPERATIONS OR FOR OTHER SPECIAL PROGRAMS.

4. ASSUMING POSITIVE RESPONSE FROM UNHCR, SECOND STEP SHOULD BE INFORMAL DISCUSSION WITH POTENTIAL DONORS TO SETTLEMENT PROGRAM: AUSTRALIA, NETHERLANDS, USA, FRG, AND JAPAN. BELIEVE YOU SHOULD TAKE THESE SOUNDINGS IN BNGKK BEFORE ANY APPROACH TO CAPITALS.

5. INFORMAL APPROACH TO THAI AUTHORITIES BY UNHCR WOULD BE LOGICAL NEXT STEP. THAT SOUNDING PRESUMABLY WOULD PROVIDE GUIDANCE ON WHETHER YOU AND COLLEAGUES SHOULD ALSO RAISE WITH THAIS.

6. ADVISE PROGRESS.

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bcc: Bangkok
UNS

GPL/B.E. Burton/2-1743/kf

FILE DIARY DIV CIRC.

OTTAWA, K1A 0G2

March 8, 1978

47-3-UNHCR
37

My dear Ambassador,

You will recall your Note of May 8, 1977, to the Secretary of State for External Affairs regarding the United Nations High Commissioner for Refugees' appeal to the international community for assistance to displaced persons from Laos, Cambodia and Vietnam in Thailand. My interium reply to you of May 11, indicated an assessment of the extent of the Canadian response to the UNHCR appeal you mention would be available in the near future. Unfortunately this assessment has taken longer than anticipated, and I express my regrets for the delay.

I wish to inform you at this time that the Canadian Government is responding to the 1977 UNHCR appeal for Thailand in the amount of $250,000. This money is to be directed specifically at the boat people whose situation is particularly grave and whose numbers have grown so dramatically since last May. This donation will supplement the bilateral gift of $475,000 worth of milk powder the Canadian Government is giving to the Government of Thailand for refugees which was also in response to the 1977 UNHCR appeal. You will also be aware of the recent decision of the Government to permit fifty families of boat people per month to enter Canada. This measure, I believe, will assist the refugee situation in Thailand as well.

Yours sincerely,

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
A. D. SMALL

A.D. Small
Director
Pacific Affairs Division

His Excellency Sakol Vanabriksha
Ambassador
85 Range Road, Suite 704
Ottawa, Ontario
K1N 8J6

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bcc: Bangkok
UNS

GPL/B.E. Burton/2-1743/kf

FILE DIARY DIV CIRC.

47-3-UNHCR
37

OTTAWA, K1A OG2

March 8, 1978

My dear Ambassador,

You will recall your Note of May 8, 1977, to the Secretary of State for External Affairs regarding the United Nations High Commissioner for Refugees' appeal to the international community for assistance to displaced persons from Laos, Cambodia and Vietnam in Thailand. My interium reply to you of May 11, indicated an assessment of the extent of the Canadian response to the UNHCR appeal you mention would be available in the near future. Unfortunately this assessment has taken longer than anticipated, and I express my regrets for the delay.

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file diary circ.

47-3-UNHCR

K	6

OTTAWA, K1A 0G2

February 27, 1978

House of Commons

Dear Mr. Jerome, James

I would like to inform you that the United Nations High Commissioner for Refugees, Mr. Poul Hartling will be present in the gallery of the House of Commons during routine proceedings and oral question period (2:00 - 3:00 p.m.) on Thursday, March 2, 1978. I would be grateful if you could draw the attention of the House to Mr. Hartling's presence in the gallery.

Mr. Hartling will be visiting Ottawa from March 1-3, 1978 on official business. A former Prime Minister of Denmark (1973-75), Mr. Hartling was elected United Nations High Commissioner for a five-year term on December 8, 1977 by the United Nations General Assembly on the recommendation of Secretary-General Kurt Waldheim. A copy of his official biography and visit itinerary is attached.

...

Yours sincerely,

G. A. Pearson

G.A.H. Pearson
Director General
Bureau of United Nations Affairs

Honourable James Jerome, P.C.,
Speaker,
House of Commons
OTTAWA

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Noted pm

The main point of discussion of this meeting which I attended is the co-ordination of refugee policy and operations (and also appropriate liaison with the UNHCR rep., CIDA + M+I.)

Conclusion was that UN Bureau should be a focal point to the greatest extent possible. UNS is going to send in the next few days some suggestions as to what type of departmental machinery might be devised

DD

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UNS/JD. Livermore/2-2112/gw

EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

TO / À: CSP ECD GWL GPL GAA

FROM / De: UNP

REFERENCE / Référence:

SUBJECT / Sujet: Intra-departmental Liaison on Matters Pertaining to the U.N. High Commissioner for Refugees.

SECURITY / Sécurité: UNCLASSIFIED

DATE: February 23, 1977

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA: 47-4-UNHCR
MISSION:

2

ENCLOSURES / Annexes

DISTRIBUTION

Relations between the Government of Canada and the UNHCR have been somewhat strained recently by unfortunate, albeit rather different, incidents in connection with Argentina and Thailand. Although in both cases there were matters of substance at issue, a large part of the ensuing problem seems to have stemmed from inadequate consultations between other departments responsible for certain aspects of the UNHCR mandate and External Affairs, which we believe should have an overall co-ordinating function.

2. We would like to hold discussions with you on this Department's responsibilities for communications with the UNHCR, in order to arrive at an agreed position, before pursuing the matter further with MANDI and CIDA, which are the others chiefly concerned. We would be grateful, therefore, if addressees would attend a meeting, which I would chair in the U.N. Bureau Conference Room, 3rd Floor, Tower 'A', at 2:30 on March 2, 1977. The following might serve as a tentative agenda:

1. communications with the Ottawa representative of the UNHCR;
2. role of External Affairs in refugee policy and in communications to the UNHCR regarding refugee policy and operations;
3. UNHCR funding and communications regarding funding operations;

.../2

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4. channels of communications between Ottawa and the Permanent Mission in Geneva.

G.A.H. Pearson,
Director General,
Bureau of United Nations
Affairs.

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TRANSMITTAL NOTE AND RECEIPT
NOTE D'ENVOI ET REÇU

GOVERNMENT OF CANADA – GOUVERNEMENT DU CANADA

SECURITY CLASSIFICATION – *CLASSIFICATION DE SÉCURITÉ*

WITH ENCLOSURE(S) – *AVEC ANNEXE(S)*: UNCLASSIFIED

WITHOUT ENCLOSURE(S) – *SANS ANNEXE(S)*: UNCLASSIFIED

TO / *À*: The Under-Secretary of State for External Affairs, OTTAWA (GAA)

FILE OR SERIAL NO. – *N° DE DOSSIER OU DE SÉRIE*: 47-1/38-11

QUANTITY / *QUANTITÉ*	REFERENCE/COPY NO. / *N° DE RÉFÉRENCE*	*DESCRIPTION*
		Letter from C. Kpenou, Representative UNHCR dated 22 February 1978

Copies sent to: CIDAHULL/MID
EXTOTT/UNS

SENT BY – *TRANSMIS PAR*: B. Armstrong/pl

B. Armstrong — Signature

20/3/78 — Date

RECEIVED BY – *REÇU PAR*

Signature — Date

Canadian High Commission
LUSAKA

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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

Telegramm: HICOMREF LUSAKA
Telephone : 73417 / 81325

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To/A GAA
From/De ACRA
P.O. BOX 32942 MAR 31 1978
LUSAKA – ZAMBIA
Att'n:

LU/73/183

22 February 1978

473-UNHCR

Dear Mr. Moore,

I really wish to apologize for reacting so late to your letter of 1 February 1978, in which you confirmed the contribution of the Canadian Government in the amount of Ø700,000 in response to the United Nations High Commissioner for Refugee's special appeal of 8 June 1977.

As you know the High Commissioner, on the occasion of his visit to Zambia, has committed Ø500,000 to the ZAPU Education Centre on the strength of the above-mentioned contribution and also in accordance with the details contained in your letter.

Permit me to thank you for persuading your Government through your personal efforts and those of Mr. Nkomo, to make this contribution.

This Office can only operate with the help of such generous contributions and I hope that we shall continue to enjoy your support in the future.

With my renewed thanks, I remain

Yours sincerely,

C. Kpenou
Representative

H.E. Mr. V.C. Moore
High Commissioner
Canadian High Commission
LUSAKA

cc. CIDA/MID

GAA

WNS

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47-3-UNHCR
553

THIRTY-FIRST SESSION

COMMITTEE: III

FINAL REPORT

AGENDA ITEM: 78

CONFIDENTIAL

Report of the United Nations High Commissioner for Refugees

Summary

This item is placed on the Assembly's agenda for review every year. In his reports the High Commissioner reviews the assistance which has been provided in different areas of the world to populations displaced by war or political upheaval, discusses problems met in rendering assistance to these peoples, and draws the Assembly's attention to certain trends and developments in the area of refugees which have emerged in the past year.

The position of High Commissioner for Refugees was created by the General Assembly at its fourth session in Resolution 319A(IV). At its fifth session, in Resolution 428(V), the General Assembly adopted the Statute of the Office of the High Commissioner. In accordance with paragraph 11 of the statute, the High Commissioner reports annually to the General Assembly through the Economic and Social Council.

The twenty-ninth session of the General Assembly, in Resolution 3279(XXIX), asked the High Commissioner to undertake provisionally the functions envisaged under Article 11 of the Convention on the Reduction of Statelessness. Article 11 made it possible to establish a body to which people claiming the benefit of the Convention could apply. Resolution 3274(XXIX) set out that this arrangement would be reconsidered at the thirty-first session of the General Assembly.

The thirtieth session of the General Assembly, in Resolution 3456(XXX), requested the Secretary-General, in consultations with the High Commissioner, to convene a conference of plenipotentiaries on territorial asylum from January 10 to February 4, 1977 to consider and adopt a convention on territorial asylum.

The Debate

The Committee had before it the report of the High Commissioner, in Document A/31/12, which was transmitted to the General Assembly by the ECOSOC under its

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COMMITTEE: III

AGENDA ITEM: 78

CONFIDENTIAL

Resolution 2011(LXI) of August 2, 1976. No highly controversial problems had arisen during the period covered in the report, April 1, 1975 to March 31, 1976, and the tone of the debate in the Committee reflected this situation. The debate was moderate with most states praising the manner in which the High Commissioner had performed his duties. The only controversies that arose during the debate were in connection with such trouble spots as Cyprus, Indochina and the Western Sahara. These, however, were not pursued at great length or with great vigour and did not adversely affect the general atmosphere of the debate. Nine Western states (the Federal Republic of Germany, the United States, France, Italy, Australia, Austria, Denmark, Norway and Canada), three Socialist states (Romania, Yugoslavia and Cuba), three African states (Ghana, Egypt and Tunisia) and Argentina all said they were looking forward to the advent of a convention on territorial asylum.

Canada made a brief intervention in the general debate, which reiterated its support for the High Commissioner in the performance of his responsibilities. It noted Canada's disappointment that the international community had not yet developed a body of international law that would ensure recognition and protection of the fundamental rights of refugees. Canada looked forward to the Conference of Plenipotentiaries on the question of territorial asylum as an opportunity to contribute to such a body of law.

Finland, on behalf of 40 co-sponsors, including Canada, introduced in Document A/C.3/31/L.30 a draft resolution which sought to encourage and support the High Commissioner in carrying out his functions. The resolution closely followed the lines of General Assembly Resolution 3274(XXIX) and was aimed at confirming the functions already carried out by the High Commissioner's office in a purely humanitarian function. The resolution was adopted by consensus.

Austria, in Document a/C.3/31/L.31, introduced a draft resolution concerning the question of the establishment, in accordance with the Convention on the Reduction of Statelessness, of a body to which persons claiming the benefit of the Convention might apply. Resolution 3274(XXIX) of the twenty-ninth session had provisionally

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COMMITTEE: III

AGENDA ITEM: 78

CONFIDENTIAL

assigned the functions of this body to the High Commissioner. The Austrian resolution noted that the High Commissioner had successfully carried out these duties and asked him to continue to do so. The Soviet Union, reflecting its deep suspicion of all matters concerning refugees and in particular the question of citizenship, spoke against the resolution which it saw as an attempt to impose the obligations of the 1961 Convention on the Reduction of Statelessness on the United Nations and the High Commissioner. The resolution was adopted by a vote of 100 (Canada) - 9 (East Europeans) - 14.

The draft resolutions under this item were referred to the General Assembly in Document A/31/342. Draft Resolution I (Finland) was adopted by consensus and became Resolution A/Res/31/35. Draft Resolution II was adopted by a vote of 117 (Canada) - 9 - 8 and became Resolution A/Res/31/36.

The Canadian Position

Canada fully supports the work of the High Commissioner and has consistently provided financial assistance as an expression of its concern about the plight of individuals in distress. Canada has also supported the principle of a convention on territorial asylum and we have expressed our willingness to accede to the Convention on the Reduction of Statelessness when Canadian laws have been changed to conform to the terms of the Convention.

Recommendations for Future Action

Canada should continue to give its fullest support to the High Commissioner in the performance of his duties. Canada should also, in order to make a positive contribution to the success of the Conference on Territorial Asylum, be prepared to devote the necessary time and resources to this project.

Annexes

I - A/Res/31/35 of December 7, 1976
II - A/Res/31/36 of December 8, 1976
III - Press Release Number 40 of November 16, 1976

.../4

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COMMITTEE: III

AGENDA ITEM: 78

CONFIDENTIAL

References

I - A/31/12/Add. 1-2 - Report of United Nations High Commissioner
II - A/C.3/31/L.30
III - A/C.3/31/L.31
IV - A/31/342 - Report of Third Committee

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THIRTY-FIRST SESSION
FINAL REPORT

COMMITTEE: III
AGENDA ITEM: 78
ANNEX: I

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/RES/31/35
7 December 1976

Thirty-first session
Agenda item 78

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

/on the report of the Third Committee (A/31/342)/

31/35. Report of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees, 1/ transmitted by the Economic and Social Council under its resolution 2011 (LXI) of 2 August 1976, and having heard his statement, 2/

Recalling its resolutions 3454 (XXX) and 3455 (XXX) of 9 December 1975 relating to the activities of the High Commissioner for the benefit of refugees and displaced persons,

Recognizing the importance of the essential humanitarian tasks which the High Commissioner is called upon to perform and for which his Office has acquired particular expertise and experience,

Bearing in mind the increasingly useful co-operation between the High Commissioner and other members of the United Nations system, resulting in better co-ordination of action and greater efficiency,

Recognizing the need for further strengthening the international protection of refugees,

1. Endorses Economic and Social Council resolution 2011 (LXI) on the report of the United Nations High Commissioner for Refugees;

1/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 12 (A/31/12), Supplement No. 12A (A/31/12/Add.1) and Supplement No. 12B (A/31/12/Add.2).

2/ A/C.3/31/SR.49, paras. 1-12.

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2. Commends the High Commissioner and his staff for the efficient manner in which they continue to discharge their manifold activities on behalf of refugees and displaced persons;

3. Requests the High Commissioner to intensify his efforts, in co-operation with Governments, United Nations bodies and voluntary agencies, to promote permanent and speedy solutions to the problems facing his Office through voluntary repatriation and assistance in rehabilitation of returnees, integration in countries of asylum or resettlement in other countries as needed;

4. Further requests the High Commissioner to continue his humanitarian assistance on behalf of refugees and displaced persons in Africa and urges the fullest co-operation of all concerned for this purpose;

5. Urges Governments to strengthen further their support for the humanitarian activities which the High Commissioner is carrying out in accordance with pertinent resolutions of the General Assembly and the Economic and Social Council by:

(a) Facilitating his efforts in the field of international protection by means of accession to international instruments relating to refugees and respect for the rights of refugees;

(b) Co-operating in the promotion of permanent and speedy solutions to the problems faced by his Office;

(c) Providing the necessary financial means to attain the objectives of his humanitarian assistance programmes.

83rd plenary meeting
30 November 1976

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THIRTY-FIRST SESSION
FINAL REPORT

COMMITTEE: III
AGENDA ITEM: 78
ANNEX: II

UNITED NATIONS
GENERAL ASSEMBLY

Distr.
GENERAL

A/RES/31/36
8 December 1976

Thirty-first session
Agenda item 78

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

/on the report of the Third Committee (A/31/342)/

31/36. Question of 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

The General Assembly,

Recalling its resolution 3274 (XXIX) of 10 December 1974,

Having considered the report of the United Nations High Commissioner for Refugees 1/ on the question of the establishment, in accordance with the Convention on the Reduction of Statelessness of 1961, 2/ of a body to which persons claiming the benefit of the Convention may apply,

Noting that the High Commissioner is carrying out the functions required under the Convention without any financial implications for the United Nations,

Requests the United Nations High Commissioner for Refugees to continue to perform these functions.

83rd plenary meeting
30 November 1976

1/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 12B (A/31/12/Add.2).

2/ A/CONF.9/15, 1961.

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CANADA

communiqué

THIRTY-FIRST SESSION
FINAL REPORT

COMMITTEE: III
AGENDA ITEM: 78
ANNEX: III

Press Release No. 40

Notes for a Statement by Miss Sylva Gelber, Canadian Representative on the Third Committee of the United Nations General Assembly at its 31st Regular Session

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (ITEM 78)

November 16, 1976

(Check against delivery)

Communiqué de presse n° 40

Notes pour une déclaration par Mademoiselle Sylva Gelber, Représentant du Canada à la Troisième Commission de l'Assemblée générale des Nations Unies à sa 31ème session ordinaire

RAPPORT DU HAUT COMMISSAIRE DES NATIONS UNIES POUR LES REFUGIES (POINT 78)

le 16 novembre 1976

(Vérifier au moment du discours)

CANADIAN DELEGATION TO THE UNITED NATIONS

DELEGATION DU CANADA AUPRES DES NATIONS UNIES

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Mr. Chairman,

My delegation would like to begin by thanking the High Commissioner for an excellent and comprehensive report on the activities of his office during the past year. He has carried out his duties in an efficient and compassionate manner. In addition to being a summary of his activities, the High Commsssioner's report in its introduction provides an overview of some of the problems that refugees encounter during their search for a new home and a new life. It is to these problems that my delegation would like to direct the attention of this committee.

Mr. Chairman, both in his introductory statement to our committee and in his report, the High Commissioner pointed to his rising concern about repeated violations of the principles of asylum and non-refoulement. Human rights are degraded and people are uprooted in prodigious numbers. Indeed in some cases the very physical security of the refugees is threatened. It has been hoped that the international community would develop a body of international law that would ensure recognition and protection of the fundamental rights of refugees. The 1951 Convention relating to the Status of Refugees and the 1967 Protocol to the Convention were seen as the beginning of such a body of law. The High Commissioner's activities have amply demonstrated that this, unfortunately, is not the case. His concern is fully shared by my government and the people of Canada who find it difficult to understand and accept the inability of the international community to develop means to defend individuals unable to protect themselves.

Because of these concerns the Canadian Government has followed with interest the activities of the body of experts that have been working on a draft Convention on Territorial Asylum. The Conference of Plenipotentiaries (to be held from January 10 to February 4, 1977) will provide a valuable opportunity to further codify means that will provide the protection all refugees are entitled to. My delegation was pleased to learn from the High Commissioner that a solution to the problem of financing the conference had been found.

At the last meeting of the Executive Committee, it was suggested that relevant non-governmental organizations be invited to participate as observers in the conference. My delegation is in full agreement with this proposal and hopes that these organizations will be given an opportunity to contribute to the Conference their valuable experience in the field of refugee protection.

I referred earlier to the need for elaborating legal instruments designed to ensure protection for the refugees. It is however obvious that the mere accession to these instruments is not sufficient to guarantee their implementation. Member states must be prepared to honour faithfully the obligations they freely assumed.

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Canada believes that each member of the international community must share in the responsibility for the solution to the problems of refugees and displaced persons. Canada traditionally has been a principal country of re-settlement. Within the last decade we have received refugees from Europe, Asia, Africa and Latin America. We have tried through a variety of programmes to ensure the well-being of those refugees who have settled in Canada. Canada has and will continue to accept refugees for re-settlement and assist in funding both the regular programmes and special operations that the High Commissioner directs.

The establishment this year of a resident representative of the UNHCR in Canada will, no doubt, further the close working partnership between the Government of Canada and the UNHCR.

My delegation is pleased to mention that the government in the near future proposes to bring before Parliament, revisions to Canada's immigration laws which will reflect more precisely our long tradition as a refugee receiving country. Details will be announced at the current session of Parliament, but we can say now that the new legislation is expected to anchor more firmly in Canadian statutory law the obligations which Canada has respected since acceding to the Convention and Protocol on the status of refugees.

Mr. Chairman, the ultimate solution to the refugee problem lies with the individual states rather than with the international community. However, as this problem is likely to be with us for some time to come, we must be grateful that we have in the UNHCR an organization which can, with the cooperation and support of the international community, provide immediate and effective assistance to persons who find themselves adversely affected by events over which they have no control.

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Monsieur le Président,

Ma délégation aimerait tout d'abord remercier le Haut-commissaire aux réfugiés pour le rapport compréhensif et de haute qualité qu'il a donné des activités menées par son Bureau au cours de l'année. Nous lui sommes également reconnaissants de la façon à la fois efficace et empreinte de compassion dont il s'est acquitté de sa tâche. Le rapport du Haut-commissaire fournit non seulement un sommaire du travail accompli mais il donne également un aperçu des problèmes auxquels le réfugié fait face dans sa quête d'un nouveau foyer et d'une nouvelle vie. C'est sur ces problèmes que ma délégation aimerait attirer l'attention de notre Commission.

Monsieur le Président, dans la présentation qu'il a faite de son rapport aussi bien que dans l'introduction du rapport même, le Haut-commissaire attirait notre attention sur l'inquiétude grandissante qu'il éprouvait face aux violations répétées des principes d'asile et de non-refoulement. Le respect des droits de l'homme s'effrite et les gens sont déracinés en nombre croissant. Dans certains cas la sécurité physique des réfugiés est menacée. On avait espéré que la Communauté internationale saurait élaborer un ensemble de lois internationales propre à assurer la reconnaissance et la protection des droits fondamentaux des réfugiés. La Convention de 1951 concernant le statut des réfugiés et le Protocole de 1967 afférent à la Convention semblaient être le début d'un tel ensemble de lois. Les activités du Haut-commissaire démontrèrent amplement que cela ne fut malheureusement pas le cas. L'inquiétude du Haut-commissaire est entièrement partagée par le Gouvernement et le peuple du Canada qui trouvent difficile de comprendre et d'admettre l'impuissance de la communauté internationale à développer des moyens de protéger des individus qui ne sont pas en position d'assurer eux-mêmes leur protection. Le Canada a suivi avec intérêt les travaux du groupe d'experts chargé de rédiger le projet de Convention sur l'asile territorial. La Conférence des Plénipotentiaires (qui se tiendra du 10 janvier au 4 février 1977) fournira une occasion précieuse de codifier les mesures visant à assurer aux réfugiés la protection à laquelle ils ont droit. Ma délégation a été heureuse d'apprendre du Haut-commissaire qu'une solution avait été trouvée au financement de la Conférence. Lors de la dernière session du Comité exécutif, il fut suggéré que les organisations non-gouvernementales compétentes soient invitées à participer à la Conférence en tant qu'observateurs. Le Canada appuie totalement cette proposition et espère vivement que l'occasion sera donnée à ces organisations de nous faire part de leur vaste expérience dans le domaine de la protection des réfugiés.

Monsieur le Président, j'ai parlé de la nécessité d'élaborer les instruments juridiques propres à assurer la protection des réfugiés. Il est évident cependant que la simple adhésion à ces instruments ne suffit pas à assurer leur mise en oeuvre. Les Etats membres doivent

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être prêts à s'acquitter fidèlement des obligations librement assumées. Le Canada croit que chaque membre de la communauté internationale doit assumer sa part de responsabilités si nous voulons trouver une solution au problème des réfugiés et des personnes déplacées. Le Canada est par tradition un des principaux pays de réinstallation; au cours des dix dernières années seulement il a accueilli des réfugiés d'Europe, d'Asie, d'Afrique et d'Amérique Latine et nous avons, au moyen d'une variété de programmes, essayé d'assurer le bien-être de ces réfugiés. Le Canada continuera à être un pays d'accueil pour les réfugiés; il continuera également à contribuer au financement du programme ordinaire et des programmes spéciaux du Haut-commissaire. L'établissement cette année d'un bureau d'un représentant du Haut-commissaire à Ottawa ne pourra que renforcer la collaboration déjà étroite entre le Canada et le Haut-commissaire. Ma délégation est heureuse de mentionner que le Gouvernement du Canada se propose de soumettre sous peu au Parlement certaines révisions aux lois canadiennes de l'immigration qui reflèteraient plus précisément notre longue tradition de pays d'accueil. Les détails de ce projet seront annoncés lors de la présente session du Parlement mais nous pouvons déjà dire que la nouvelle législation aurait pour résultat d'ancrer plus profondément, dans les lois statutaires canadiennes, les obligations que le Canada a assumées depuis son adhésion à la Convention et au Protocole sur le Statut des Réfugiés.

Monsieur le Président, c'est aux Etats membres, davantage qu'à la communauté internationale qu'il appartient de trouver une solution au problème des réfugiés. Cependant étant donné que ce problème continuera de nous préoccuper longtemps encore, il est réconfortant de trouver dans le Bureau du Haut-commissaire une organisation qui, avec la collaboration et l'appui de la communauté internationale fournit une aide immédiate et efficace à des personnes victimes d'événements sur lesquels ils n'ont aucun contrôle.

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UNCLASSIFIED (1) New York Times

FM CANDELNY WKGR2452 NOV18/76

TO EXTOTT UNS/LIVERMORE

INFO ITCOTT/IFB/WHB CIDAOTT/MID FINOTT/IPD

DISTR ECD ABC TRAN UNO UNP

REF ECD TEL870 OCT29

---UNGA XXXI:PLEDGING ANNOUNCEMENT FOR UNCHR

FOLLOWING IS DRAFT INTERVENTION IN THE AD HOC CTTEE FOR ANNOUNCING VOLUNTARY CONTRIBUTIONS TO UNCHR:QUOTE MR CHAIRMAN,

IT IS A SAD COMMENTARY OF THE CONTEMPORARY INNATL SITUATION THAT WE SHOULD BE MEETING HERE TODAY TO ONCE AGAIN PLEDGE OUR CONTINUED SUPPORT TO THE OFFICE OF THE UNCHR.ALTHOUGH WE ALL AGREE THAT IT WOULD BE MUCH BETTER IF THE NEED FOR HIS ORGANIZATION COULD CEASE TO EXIST HIS REPORT UNFORTUNATELY REMINDS US THAT THERE IS A GREATER NEED THAN EVER FOR SUCH AN ORGANIZATION.

MY DELEGATION WISHES TO REITERATE ITS APPRECIATION TO THE HIGH COMMISSIONER FOR HIS UNTIRING DEDICATION AND TO PLEDGE ITS CONTINUED SUPPORT FOR THE ACTIVITIES OF HIS OFFICE.MY DELEGATION IS PLEASED TO ANNOUNCE,SUBJECT TO PARLIAMENTARY APPROVAL,THAT CDA WILL BE ABOE TO INCREASE ITS CONTRIBUTION TO THE REGULAR PROGRAM OF THE UNHCR FOR THE YEAR 1977 TO DOLLARS 850,000.UNQUOTE.

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---XXXI AGNU IIIE COMM POINT 78:RAPPORT HCR

TROUVEREZ CI-DESSOUS PROJET RESLN L.31 SUR POINT 78:RAPPORT HCR REDIGE PAR SECT ET PORTANT SUR MISE SUR PIED EN VERTU CONVENTION SUR REDUCTION CAS APATRIDIE(REDUCTION OF STATLESSNESS)DUN ORGANISEM OU PERSONNES SE CROYANT EN DROIT BENEFICIER CONVENTION POURRONT RECOURIR(ARTICLE II).

2.CO-AUTEURS SONT 6 PAYS AYANT RATIFIE CONVENTION(AUTRICHE AUSTRALIE IRLANDE NORVEGE SUEDE RU)RENDANT AINSI POSSIBLE ENTREE EN FORCE ARTICLE II.

3.PROJET PUREMENT PROCEDURAL RECONNAIT QUE HCR REMPLIT DEJA FONCTION CET ORGANISEM LUI DEMANDE CONTINUER.TEXTE DEVRAIT ETRE ADOPTE PAR CONSENSUS.QUESTION OF 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 AUSTRIA AUSTRALIA IRELAND NORWAY SWEDEN UK OF GREAT BRITAIN AND NORTHERN IRELAND:DRAFT RESOLUTION

THE GENERAL ASSEMBLY,

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RECALLING ITS RESOLUTION 3274(XXIX)OF 10DEC 1974

HAVING CONSIDERED THE REPORT ON THE SUBJECT CONTAINED IN DOCUMENT A/31/12/ADD.2,SUPPLEMENT NO.12B,

NOTING THAT THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IS CARRYING OUT THE FUNCTIONS REQUIRED UNDER THE CONVENTION ON THE REDUCTION OF STATELESSNESS OF 28AUG 1961 WITHOUT ANY FINANCIAL IMPLICATIONS FOR THE UNITED NATIONS,

REQUESTS THE HIGH COMMISSIONER TO CONTINUE SO TO PERFORM THE SAID FUNCTIONS.

UUU/298 152332Z 00200

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FLA/S. April/2-1990/st

cc: FAH/Blanchette

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United Nations High Commissioner for refugees

OTTAWA, K1A 0G2

le 3 août 1976

Cher Gilles,

M. Arthur Blanchette m'a remis votre lettre du 17 juin au sujet du projet de Convention sur l'asile territorial.

Tout en vous remerciant pour vos compliments au sujet des commentaires faits par le Canada sur le projet de Convention de 1973, je tiens à vous assurer que cette question est toujours activement à l'étude à Ottawa. Des consultations interministérielles ont lieu en vue de préparer la position du Canada à la Conférence de janvier/février 1977.

Mes meilleures salutations,

Le Bureau des Affaires juridiques,
Maurice D. Copithorne,
Directeur Général

M. D. Copithorne

M. Gilles Sicotte,
Haut Commissariat des Nations Unies,
pour les Réfugiés,
Carlos Pellegrini 331 5e Piso "A",
BUENOS AIRES, Argentine

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UNCLASSIFIED

March 15, 1976

Refugees

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... Please find attached for your information a copy of an address delivered by Miss Janet Scott, Chairman, Immigration Appeal Board, to the Symposium on Immigration Policy and the Law held at the University of Ottawa on March 5 and 6. We have put marks in the margin beside some of her assertions which are, to say the least, debatable.

J. S. STANFORD

J.S. Stanford,
Director,
Legal Advisory Division.

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H. J. STRAUSS

REFUGEES

The problem of refugees is world wide, and in the present state of the world, is becoming increasingly serious. I propose to discuss today a comparatively unfamiliar international treaty, the United Nations Convention and Protocol relating to the status of refugees, and its implications and effect in Canada.

The Convention was adopted in 1951, and entered into force in 1954. Canada was a signatory, but did not accede to it until 1969. It has never been ratified by the Parliament of Canada, so that this country is only morally, not legally, bound by it.

What is a refugee? The ordinary dictionary meaning, given in Webster, is "One who flees for safety, specifically, a person who has fled or been ejected from his country of nationality or of habitual residence for reasons of race, religion, nationality or political opinion . . ." This definition, which I find in my 1949 edition of Webster, anticipates that found in the Convention, in Article 1 A(2) thereof:

> "For the purposes of the present Convention the term "refugee" shall apply to any person who
>
> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
>
> In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national."

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You will notice the careful drafting. The crucial words are "well founded fear of being persecuted". Any tribunal seized with jurisdiction to determine whether a person is a refugee within the meaning of the Convention is confronted by a subjective element - fear - and two objective elements - whether the fear is well-founded, and whether there has been, or may be persecution on any of the grounds set out in the definition. The emphasis in the definition is on the subjective element: the fear of the person claiming to be a refugee. This frees the tribunal which must make the decision from the necessity to pass political judgment on the situation in the refugee's country of origin - an important requirement in an international treaty between nations not at war and having diplomatic relations with each other.

You will notice that the Convention does not refer to, and does not cover, persons who are the victims of natural disasters such as the wretched Guatemalans recently, or persons who are sometimes loosely referred to as "economic refugees", such as the starving people from Bangladesh. ~~Danaki~~l. It covers only persons who are genuinely afraid - and whose fear is well-founded - of <u>persecution</u>. Even here there is an exception, to be found in Article 1 F of the Convention:

> " The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that
>
> (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
>
> (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
>
> (c) he has been guilty of acts contrary to the purposes and principles of the United Nations."

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Now, before we analyze the definition of refugees contained in the Convention, let us examine the question of who makes the decision in Canada, whether a person is a refugee protected by the Convention, or not, and, if such person is found to be a refugee, what obligations Canada has towards him.

The only tribunal legally constituted to make a decision whether or not a person is a refugee is the Immigration Appeal Board, and it becomes seized of this jurisdiction only by way of appeal from a deportation order. Now a deportation order has nothing to do with refugee status: it is made, after a special inquiry pursuant to the Immigration Act, on a ground, or grounds, that the person concerned is in breach of some section of the Immigration Act and/or regulations, i.e. that they are not admissible to Canada as immigrants or non-immigrants. Neither the Act nor the regulations make any reference to refugees. It is only after he has been ordered deported that a putative refugee has access to the Immigration Appeal Board.

There are, however, two other agencies in Canada which may deal with a claim to refugee status. They have no official or legal existence. One is the representative of the High Commissioner for refugees in Ottawa. As I understand it, the function of this gentleman, is in part, as liaison officer between the High Commissioner and the Canadian Government. Anyone may attend on him and say "I am a refugee". If he is certain, on the facts, that they are not refugees, that is the end of the matter. If he thinks that they may be refugees protected by the Convention, he refers their case, with all particulars known to him, to the head office of the High Commissioner in Geneva. The appropriate officials in Geneva may decide that the person is a refugee, but because the Canadian state has its own machinery for dealing with refugees, including the Immigration Appeal Board,

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The High Commissioner is powerless. He will simply say "we think this person is a refugee, but the Canadian Government must deal with this person as it thinks fit". His views are at best persuasive. An example of this is found in the case of Fogel v. Minister of Manpower and Immigration, 8 I.A.C. 315. This was the second appeal to the Immigration Appeal Board; Miss Fogel claimed to be a refugee, unsuccessfully. Subsequently, she renounced her American citizenship, and sought to reopen her appeal on this ground, i.e. that she was stateless. She was unsuccessful, but she also applied to the High Commissioner for a declaration that she was a refugee. Geneva said that she might be, but left the matter to the Canadian authorities - it had no option but to do this. The designated Canadian authority was the Immigration Appeal Board, which had repeatedly held she was not a refugee. She was deported.

The High Commissioner for Refugees therefore, in Canada, has no legal status and no power. The other non-official body in Canada, which deals with refugees, is one which has, I think, existed for many years, but which has no legal existence, and that is the Interdepartmental Committee for Refugees. It consists, unofficially, of officials from the Immigration Department and the Department of External Affairs, and, now, ex-officio, the representative of the High Commissioner for Refugees. When a person in Canada states to an immigration official that he is a refugee, his case is referred to the Committee. The Committee may decide that he is a refugee, in which case he is generally allowed to remain in this country. If it decides that he is not a refugee, he is, almost invariably, ordered deported, since he would never have come to the attention of the Committee in the first place if he had not been subject to deportation. If he is ordered deported

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he may appeal to the Immigration Appeal Board - if he establishes before that tribunal a prima facie claim to refugee status. I do not propose to get into the highly complex appeal procedures: we are talking about refugees today.

Now, let us suppose that a person is found to be a refugee protected by the Convention, either by the Interdepartmental Committee or by the Immigration Appeal Board. What are Canada's obligations, under the Convention, in respect of him? Remember that Canada has only a moral, not a legal obligation, though in general, she has honored this moral obligation. It is interesting to note that the Convention nowhere requires any signatory to receive refugees, except by implication when the refugee arrives on the territory of the country in question. Suppose he does, and is acknowledged by the appropriate authorities of the country of refuge to be a refugee. Some countries give him a special status - he is received as a refugee, and has refugee status. Canada does not do this: refugee status is a status unknown to Canadian law. Indeed, no country is obliged by the Convention to give a refugee any status. He must be physically received and he cannot be disadvantaged - he must be given the same rights as are given to other aliens, and in some cases, nationals, in the country, but no more. In practice, Canada gives its refugees immigration status either permanent or temporary - they will be accorded either landed immigrant status, permanent residence, which takes them out of the class of refugees, or temporary status as non-immigrants, usually under Minister's permit, pursuant to section 7(2) of the Immigration Act.

Now, no matter what a country does with a refugee when it accepts him, all signatories to the Convention, including Canada, are bound by the three

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most important articles; 31, 32 and 33, of which the most important is article 33. I will read them in part:

> article 31(1): The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
>
> article 32(1): The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.
>
> article 33: 1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
>
> 2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."

Article 31(1) is the putative refugee illegally in Canada. Canada is morally bound not to impose "penalties". What is a penalty in this context? Does it include an order of deportation? In Canada it would appear that it does not, since putative refugees can only have their refugee claim dealt with, by the only tribunal legally constituted to do so, the Immigration Appeal Board, after they have been ordered deported. Presumably, Canada takes the position that "penalty" means something more than an order of deportation, e.g. jail or a fine for illegal entry.

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Article 32 refers to the refugee legally in the country of refuge. For example a landed immigrant in Canada who is, or may become a refugee, cannot be expelled, physically deported, for falling afoul of some provision of the Immigration Act, unless he is a security risk, and even then, only after "due process of law". This presumably means due process by the internal law of the country, in our case, that set out in the Immigration Act and the regulations, and with all provisions for appeal now provided for.

It is clear then that a refugee, even a refugee so found by the appropriate authorities, is deportable by the country of refuge, but then we come to article 33: he cannot be returned - refoulé - to the territory in respect of which he is a refugee unless he is a security risk to the country of refuge or has been convicted of a "serious" crime. There is no Canadian jurisprudence that I know of which defines "serious crime". Two decisions of the Bavarian Administrative Court, in 1960 and 1961 are of interest, however. The Court held that the expression "serious crime" indicates that criminal acts are referred to, the commission of which makes the offender unworthy of international protection - there must be a grave infraction of the law. A theft punished by two months imprisonment or a fiscal offence punished by six months suspended sentence, were held not to be "serious crimes" within the meaning of article 33.

Now let us return to the actual definition of refugee in article 1(A) 2 of the Convention. What must a person claiming to be a refugee establish, and how does he do it?

Remember the three basic elements:

1) fear;

2) that the fear is well-founded;

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3) that the well-founded fear is of persecution by reason of race, religion, nationality, membership in a particular social group, or political opinion.

Fear is the subjective element. It is difficult for a person to prove that he is afraid, though his actions may sometimes substantiate his allegations that he is. But what the deciding tribunal - in Canada's case the Immigration Appeal Board - must determine, first, is whether his fear is well-founded. Now the refugee claimant has the burden of proof, and he has the difficult task of proving a future event. He must establish a real likelihood that he will be persecuted, personally, if sent home. He may do this by proving past incidents which have occurred to him personally, in which case he has to prove something that happened to him in a foreign country. Since there are seldom available witnesses to such an event, his evidence is almost always his own testimony, and the question of credibility loomes large. If nothing has happened to him in the past, but may happen to him in the future, he must try and establish that it will, again through his own testimony and if possible through the testimony of expert witnesses. Simultaneously, he must prove actual or probable persecution. What is persecution? The verb persecute comes from the same root as "pursue". Webster defines it as: "To pursue in a manner to injure, to cause to suffer because of belief, - and its secondary meaning, to afflict, harrass, or annoy with urgent attacks". Legally, it is not an easy word to define. It is easier to say what it is not, than what it is. For example, it is not discrimination. It is not prosecution - a fugitive from the ordinary civil or criminal procedures in his home country is generally speaking not a refugee. Furthermore, who is alleged to be doing the persecuting? The Immigration Appeal Board has held that the alleged persecution must derive from the state.

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In Mingot v. Min. of Manpower and Immigration, 8 I.A.C. 351, which is one of the leading cases on refugees, my honourable colleague, Vice-Chairman Jean-Pierre Houle, said this, at page 356:

s.19(1)

> " In the context of the Convention, the persecution must be the doing of the government of which the refugee is a national. We should recognize that it can also be the doing of persons or groups acting with the knowledge of the authorities or with their express or tacit consent. Fear of being legally prosecuted before regular courts, or of being punished for refusing to do military service or for deserting; difficult economic conditions, dissent, even open dissent, from a political regime - none of these can, in se and per se, constitute a fear of persecution as defined in the Convention. These are but a few exa[illegible]. In addition mere appr[illegible] about possible future hardships and mal[illegible] not sufficient."

Then he goes on, at page 357:

> " The fear of being persecuted must be based on fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. The list is exhaustive and must be strictly applied and objectively evaluated. On this point, the authors and international jurisprudence are unanimous: a person will be declared to be a refugee if he fits the Convention's definition." - A finding that a person is a refugee is a declaratory decision.

Now let us take the case [redacted] He was a citizen of Haiti who had lived and worked there all his life until he came to Canada. He was ordered deported on the ground that he was not a bona fide non-immigrant (visitor) to Canada, and appealed to the Immigration Appeal Board, basing his appeal almost wholly on a claim to refugee status. He gave evidence relevant to this claim both before the Special Inquiry Officer, who had, of course, no jurisdiction to pronounce on it, and, at considerable length, before the Immigration Appeal Board. His evidence was that he worked as a salesman in a shop in Port-au-Prince, Haiti, and that this shop sold supplies to the

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Tonton Macoutes. Now Tonton Macoute is the popular name, in Creole, for a para-military organization, tolerated, if not encouraged, by the Government of Haiti. [redacted] testified that individual members of this organization, buying goods from him, wanted a discount, which, being an employee, he was unable to give. He said: "I had to put up with annoyances and humiliations. They threatened me . . . They persecuted me . . .". The Board found that he was not a refugee protected by the Convention. Here is Vice-Chairman Houle (at page 363): s.19(1)

> " So far we have an account of the events in Mr. Mingot's private life and at work, distressing events to be sure, but not the type on which to base a reasonable fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion - the only reasons recognized by the Convention for considering a person to be a refugee."

Let us take another case, where the Board found that the refugee claimant was a refugee protected by the Convention. This is the case of [redacted] 174 F.C. 33 a famous case, since it was in this case that the Federal Court of Appeal held, categorically, that the Convention is not part of the internal law of Canada. It did not enter into the merits of the refugee claim, which was extensively dealt with by the Immigration Appeal Board in its reasons for judgment found in 9 I.A.C. 323.

[redacted] was a citizen of Chile. He was an active supporter of Allende, a teacher at the University of Chile, and secretary of a cell of the Teachers' Union. When the Allende regime fell, he was fired and was unable to obtain other employment. Fellow members of his union were arrested and some were tortured - he called seven witnesses at the hearing of his appeal, who testified to this effect. He contrived to get out of Chile and

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came to Canada, where he was ordered deported because he did not have an immigrant visa. The Board found that he was a refugee protected by the Convention: he had established that he had a well-founded fear of being

s.19(1)

persecuted by reason of his political opinions. The Board quoted with approval the words of Sir John Hope Simpson in his work The Refugee Problem:

> " The essential quality of a refugee therefore may be said to be that he has left his country of regular residence, of which he may or may not be a national, as a result of political events in that country which render his continuous residence there impossible or intolerable . . . ".

I have selected these two cases, [redacted] at random. There are many others, which have been dealt with by the Board, some reported and some not. Each case turns on its own facts. The actual Canadian jurisprudence on the Convention is, however, in its infancy. The definition section awaits further clarification. What for example is the meaning of "race", what is "nationality", which appears to be used in two senses within the definition section itself? What is a "social group"?

Other questions remain to be settled, including the thorny problem of whether Canada is bound - morally - to receive a person who, although originally undoubtedly a refugee, has obtained refuge though no immigration status in another country? Is there any truth in the aphorism, once a refugee, always a refugee?

Our time today does not permit us to enter into even a theoretical discussion of these fascinating problems, nor has it allowed me to do more than give the barest outline of the Convention. I hope, however, that I have been able to cast some light on the complexities of the problem, and on at least some of the solutions.

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MESSAGE CC46-4-UNICEF-3-1

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				→ 47-4-UNHCR		
FM/DE OTTAWA	AFF.EXTER.	GPL-339	25JUIN75	30		SANS COTE

PRECEDENCE

TO/A PARIS (LIVRAISON 260900)

INFO SEOUL TOKYO CANDELNATO CIDAOTT/AD

BAG: LDN WSHDC ROME PEKIN BONN STKHM BRU MOSCO WLGTN [redacted] MANIL HAVAN CNBRA BNGKK KLMPR JKRTA SPORE OSLO COPEN ALGER

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FOR/TO COMCENTRE EXTERNAL AFFAIRS JUN 25 22 1 14 '75

REF CONVERSATION TELE MOLGAT/GILBERT DU 25JUIN75

SUB/SUJ ASSISTANCE A L'INDOCHINE

TEL QUE DEMANDE, SUIT TEXTE DU COMMUNIQUE EMIS PAR L'ACDI LE 18JUIN75: CIT OTT - LE SSEA, M. ALLAN J. MACEACHEN, A ANNONCE AUJOURD'HUI QUE LE CDA POURRA FOURNIR $10 MILLIONS POUR SUPPORTER LES PROGRAMMES DE SECOURS D'URGENCE ET DE RECONSTRUCTION AU SUD VIETNAM, AU LAOS ET, SI ON EN FAIT LA DEMANDE, AU CAMBODGE.

LA CROIX-ROUGE INTERNATIONALE RECEVRA UNE CONTRIBUTION EN ESPECES DE $1 MILLION POUR APPUYER SES PROGRAMMES REGULIERS D'ASSISTANCE. UNE SUBVENTION CIT DELIEE FINCIT DE $4 MILLIONS ET UNE AIDE ALIMENTAIRE DE $5 MILLIONS SERONT DISTRIBUEES PAR DES ORGANISMES DES NATIONS UNIES S'OCCUPANT DE PROGRAMMES DE SECOURS D'URGENCE DE RECONSTRUCTION EN INDOCHINE COMME LE HAUT COMMISSARIAT DES NATIONS UNIES POUR LES REFUGIES (UNHCR) ET LE FONDS DES NATIONS UNIES POUR L'ENFANCE (UNICEF).

CETTE ASSISTANCE AUX EFFORTS D'ORGANISATIONS INTERNATIONALES DE SECOURS HUMANITAIRES S'ADDITIONNE AUX $6,75 MILLIONS DEJA ENTIEREMENT ENGAGES QUE LE CDA AVAIT ANNONCES EN MARS ET AVRIL DERNIERS. LA PARTICIPATION CDNNE A POUR

.../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. M. PELLETIER/rd	GPL	2-0952	SIG. D. MOLGAT, Directeur

EXT 18/BIL (REV 8/70)

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BUT LA DISTRIBUTION DE SECOURS ET L'APPUI A DES PROGRAMMES A PLUS LONG TERME DE RECONSTRUCTION SELON LES BESOINS DES GENS D'INDOCHINE.

PENDANT LES DERNIERES SEMAINES, DES SUBVENTIONS EN ESPECES DE $3,750,000 ONT ETE ACCORDES AUX TROIS ORGANISATIONS INTERNATIONALES NOMMEES CI-HAUT ET A SIX ORGANISATIONS NON GOUVERNEMENTALES CDNNES AYANT UNE FILIALE INTERNATIONALE. DU LAIT EN POUDRE ET DU POISSON EN CONSERVE D'UNE VALEUR DE $2,5 MILLIONS, SI L'ON INCLUT LE PRIX DU TRANSPORT, ONT DEJA ETE ACHETES AU CDA ET SONT PRESENTEMENT ACHEMINES VERS DES ENTREPORTS DE SINGAPOUR POUR UTILISATION AU SUD VIETNAM ET, EVENTUELLEMENT, AU CAMBODGE PAR LA CROIX-ROUGE INTERNATIONALE, L'UNICEF ET LE UNHCR. LA SOMME RESTANTE DE $500,000 A ETE CONSERVEE POUR PAYER LE TRANSPORT D'AUTRES MARCHANDISES QUI SERONT ACHETEES AU CDA. FINCIT.

FLA/S April/2-1980/1h
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EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: GPP CSP

FROM / De: FLA

REFERENCE / Référence:

SUBJECT / Sujet: General Dang Van Quang

SECURITY / Sécurité: SECRET

DATE: June 2, 1975

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA
47-4-UNHCR
MISSION
38

ENCLOSURES / Annexes

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We would like to bring to your attention the following legal precisions with regard to the above referred case.

The Refugee Convention

2. The Memorandum to the Acting SSEA of May 28 mentions on the last paragraph of page 3 that: "The Convention relating to the Status of Refugees precludes, in certain circumstances, the return of an individual to a country where his life or freedom would be threatened." That is more or less so. Article 33, which is self-explanatory, in fact reads as follows (underlining is ours):

> "1. No contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
>
> "2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."

The full applicability or non-applicability of Article 33 thus will depend on the factual evidence available and on a considered assessment of the situation by officials of the State where refuge is sought.

3. If, for one reason or another, return to the country of origin is ruled out, it does not necessarily follow that the "refugee" cannot be expelled at all. Indeed, Article 32 (1) and (3) reads as follows (underlining is ours):

..../2

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"1. The contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

"3. The contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The contracting States reserve the right to apply during that period such internal measures as they may deem necessary."

4. In any event, if the allegations against General Dang are true, we doubt very much that he should benefit from the Convention as its terms provide expressly that it does not apply to common criminals. Article 1(F) (b) reads as follows:

"F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee."

5. There are two key phrases in that provision: (i) "serious non-political crime" and (ii) "serious reasons for considering":

(i) The General may claim that his were "political crimes" and that hence the Convention applies to him. However, we would point out that that phrase would have to be stretched pretty far to make it cover, for instance, alleged delicts such as narcotics traffic or running brothels.

(ii) In any event, Canadian officials do not need evidence of the same kind required in a court of law. They merely require "serious reasons for considering" that he has committed a serious common crime. The General could be found to be subject to this article even though he had not already been convicted by a court and Canadian officials do not need to be convinced beyond any doubt. The phrase "serious grounds" could possibly be construed very broadly and thus we would be ready to review the facts of the case should the General claim refugee status in Canada.

..../3

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US/Canada Reciprocal Arrangement

6. The Arrangement referred to in the second page of the May 28 Memorandum from the MANDI DM to his Minister is the "Arrangement for the Exchange of Deportees Between Canada and the United States". We understand that it is an Understanding (i.e., not binding in international law, as are Treaties) effected in July 1949 by an exchange of letters between the Immigration authorities of the two countries.

7. We have reviewed the Arrangement with our colleagues in the Private International Law Section of FLO, and it appears to us that we could not use it to oblige the Americans to take the General back.

8. In other words, as was said at the May 30 meeting in CSP's office, if the General is deported from Canada he or we would have to find a country that would voluntarily accept him.

A. W. Robertson

A.W. Robertson
Director
Legal Advisory Division

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47-4-UNHCR
38 | 57

Copenhagen

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FM MANDICOPEN COPC151 APR23/75

TO BH MANDIOTT/IFEU DE OTT

INFO EXTOTT CSP

REF OUR FILE 5780

---VIETNAMESE APPLICATIONS FOR REFUGEE STATUS

AUTHORITIES AT COPEN AIRPORT REFUSED ADMISSION OF TWO SOUTH VIETNAMESE OFFICERS AND THEIR FAMILIES ON APR18. BOTH HAD BEEN MILITARY ATTACHES IN PNMPN. IMPRESSION GIVEN BY DANISH PRESS IS THAT DECISION WAS TAKEN UNILATERALLY AT PORT OF ENTRY AND THAT AUTHORITIES FEARED CREATION OF A PRECEDENT. ON THE CONTRARY THE LEGAL DIV OF MFA HAS ADVISED US THAT THE RESPONSIBLE MINISTRY IE JUSTICE CONSIDERED THE REQUESTS AND CONSULTED WITH THE MFA BEFORE TAKING DECISION THAT APPLICANTS WERE NOT/NOT REFUGEES AND THAT THEY SHOULD RETURN TO BNGKK FROM WHERE THEY HAD SET OUT. THE MATTER WILL BE DEBATED IN FOLKETING TODAY AND IT IS MOST LIKELY THAT GOVT WILL BE CRITICIZED FOR ITS ACTIONS.

2. DANISH APPROACH TO SITUATION IN VIETNAM IS THAT ASSISTANCE SHOULD BE PROVIDED THROUGH RED CROSS AND THAT VIETNAMESE SHOULD REMAIN IN THE REGION.

3. DENMARK HAS HOWEVER AGREED TO PROVIDE TEMPORARY ASYLUM TO A NUMBER OF CHILDREN OF THE MONTAGNARD TRIBE WHO AS A MINORITY GROUP ARE CONSIDERED TO BE IN SPECIAL DANGER. NUMBERS INVOLVED RANGE BETWEEN 170 AND 250. THEY WILL BE BROUGHT TO DENMARK AND THEN RETURNED TO VIETNAM WHEN THERE IS SATISFACTORY EVIDENCE THAT THEY CAN DO SO IN SAFETY.

c.c. GPL, FLO
CSO, GEP, GPP

1951 UN Refugee Convention
Inter-Dept'l committee
on same

RECEIVED
APR 24 1975
In Legal Operations Division
Department of External Affairs

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Feb. 10/75

FICHE DE SERVICE
ACTION REQUEST

CABINET DU SEAE – OFFICE OF THE SSEA

A: To: UNS

De: From: MIN/A.Malone/lc

Lettre en date du: Letter dated: Feb. telegramme *de* from SDadruddin Aga Khan U.N. High Commissioner for Refugees

Sujet: Subject: Agreement to Refugee Seamen

Action requise: – Action required:

FOR APPROPRIATE ACTION

_____ *Réponse pour la signature du Premier Ministre* Reply for Prime Minister's signature

_____ *Réponse pour la signature du Ministre* Reply for Minister's signature

_____ *Réponse au nom du P.M./ou Ministre* Reply on behalf of PM/or SSEA

_____ *Réponse pour la signature de* Reply for signature of:

_____ *Pour avis et retourner* For advice and return

_____ *Noter et retourner* Note and return

_____ *Traduction* For translation

Réponse provisoire immédiate pour la signature de _____

_____ For immediate interim reply for signature of _____

47-4-UNHCR

Commentaires: Comments: #1049

Porter à l'attention des archives du SEAE le B.F. to Minister's registry on

Commentaires par D.S.: D.S.'s Comments:

INSTRUCTIONS

(a) Si une réponse substantielle ne peut être soumise dans les 10 jours qui suivent la réception de la fiche de service, on doit rédiger une réponse provisoire.

(a) If a substantive reply cannot be provided within 10 days of receipt of the action slip, an interim reply should be prepared.

(b) S'il est nécessaire ou préférable de déférer la correspondance à une autre direction pour suite ou renseignements à donner, prière d'en aviser le Service des dossiers de MIN, au numéro de téléphone 6-8885, poste 304.

(b) If it is necessary or more appropriate to refer this correspondence to another division for action/information, please notify MIN Registry, telephone 6-8885, Ext. 304.

(c) Pour obtenir des renseignements concernant les lettres et les notes expédiées par les directions au MIN et exigeant la signature du P.M. ou du Ministre, prière de communiquer avec le secrétaire de cabinet de MIN, numéro de téléphone 6-8885, poste 314.

(c) For information concerning letters and memoranda sent from divisions to MIN requiring the P.M.'s/Minister's signature, please contact the D.S. in MIN, telephone 6-8885, Ext. 314.

(d) Pour obtenir des renseignements concernant la formulation et le style de l'appel, prière de communiquer avec le secrétaire de cabinet de MIN, numéro de téléphone 6-8885, poste 314.

(d) For queries concerning procedure and style of address, please consult D.S. in MIN, telephone 6-8885, Ext. 314.

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Ext 439/Bil (10/73)

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UNS2

ACTION

MIN

LTF

HIS EXCELLENCY

THE HONOURABLE ALLAN JOSEPH MACEACHEN, P.C., M.P.

EXTERNAL

OTTAWA (CANADA);

HCR 158 HAVE LEARNED WITH SINCERE APPRECIATION FROM GOVERNMENT OF THE NETHERLANDS OF ACCESSION OF CANADA TO PROTOCOL TO AGREEMENT TO REFUGEE SEAMEN AND HAVE HONOUR CONVEY TO YOUR EXCELLENCY MY GRATITUDE YOUR GOVERNMENT'S CONTINUING CONCERN FOR REFUGEE CAUSE. ASSURANCES HIGHEST CONSIDERATION;

SADRUDDIN AGA KHAN

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES"

COL 158

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

LTF

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UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES"

COL 158

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EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

M E M O R A N D U M

TO / À: AU DOSSIER

SECURITY / Sécurité: CONFIDENTIEL

DATE: le 11 décembre 1974

FROM / De: GPL (D. Molgat et M. Pelletier)

NUMBER / Numéro:

REFERENCE / Référence:

SUBJECT / Sujet: Projets d'aide du HCNUR aux personnes déracinées et déplacées au Viet-Nam et au Laos

FILE / DOSSIER
OTTAWA 47-4-UNHCR
MISSION 30

ENCLOSURES / Annexes

DISTRIBUTION

Le mercredi 4 décembre 1974, à 10 heures 30, nous avons rencontré (salle de Conférence du 3 ième étage) une délégation du Haut Commissariat des Nations Unies pour les réfugiés venus, à leur demande, nous entretenir de leurs projets d'aide aux personnes déracinées et déplacées au Viet-Nam et au Laos.

... 2. Nous joignons à ce mémoire une copie de la liste des participants. La documentation préparée par le Haut Commissariat, décrivant leurs projets d'aide est conservée chez M. Pelletier.

3. L'essentiel des propos de nos interlocuteurs est contenu dans la documentation reçue. GPL a posé les trois questions suivantes aux visiteurs:

a. Au Laos, quelle relation a-t-on prévue entre le programme envisagé par le Haut Commissaire et le programme (en ce qui concerne les réfugiés) pour lequel les Ministres Soth Phetrasy et Sisouk na Champassak recherchent actuellement des fonds bilatéraux au moyen de leurs tournées internationales?
Pratiquement, comment a-t-on pu structurer une relation entre les deux dans les circonstances actuelles, où le gouvernement laotien ne sait pas combien il peut attendre de sa recherche de fonds bilatéraux?

b. Pour le GRP, comment le Haut Commissaire prévoit-il assurer l'accès au territoire pour le matériel et l'équipement qu'il voudra y envoyer? Sûrement pas par les ports sud-vietnamiens; est-ce donc par la RDVN et ce qu'il est convenu d'appeler la piste Ho Chi Minh (c'est-à-dire le complexe de routes militaires qui relient le Nord et le Sud Viet-Nam?

.../2

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c. Pour la RVN, le paragraphe 14, à la page 6 de la section sur la RVN prévoit, au point (c) des procédures de vérification et de contrôle, ce qui est non seulement désirable mais nécessaire. Pourquoi une mention semblable ne figure-t-elle pas dans les sections RDVN et GRP? Des dispositions semblables sont-elles en fait envisagées pour la RDVN et le GRP? Ceux-ci ont-ils formellement indiqué qu'ils seront disposés à s'engager par voie de contrat à accepter de telles procédures et dispositions?

4. Les réponses suivantes nous furent faites:

a. Le bureau du HCNUR à Vientiane est au courant de ces projets de visites. Des rencontres ont eu lieu aussi bien à Vientiane que dans les capitales européennes visitées par Sisouk. Les deux ministres sont restés (intentionnellement ou non) très vagues sur leurs projets. L'on nous a assurés qu'il y aura coordination dans l'utilisation des sommes obtenues par le gouvernement laotien et le HCNUR.

b. Les représentants du HCNUR nous ont assurés qu'il n'y aurait aucune difficulté dans l'acheminement de l'aide dans le territoire contrôlé par le GRP. De fait, l'un de nos interlocuteurs a récemment visité des parties de ce territoire. Dans le nord du Sud-Viet-Nam, l'aide pénétrerait par le port de Dong Ha, dans le sud (vers Loc Ninh) par des routes ne traversant pas le Laos.

c. La RDVN et le GRP ont assuré le HCNUR que les procédures de vérification et de contrôle pourront être appliquées. Des accords (contenant des clauses standard) auraient déjà été négociés.

5. Dans l'après-midi du 4 décembre, les délégués du HCNUR ont rencontré des représentants (notamment M. Hare) de l'ACDI à leurs bureaux.

Daniel Molgat

Direction de l'Asie de l'Est

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Department of External Affairs — Ministère des Affaires extérieures
Canada
Ottawa, K1A 0G2

Le 3 décembre 1974

Réunion avec des représentants du HCNUR.

Mercredi, 4 décembre 1974, à la salle de conférence du Bureau des Nations Unies, 3e étage de la tour A de l'Edifice Lester B. Pearson, se tiendra une réunion d'information groupant des représentants du Bureau du Haut Commissaire aux Réfugiés, du Ministère des Affaires extérieures et de l'ACDI. Le but de cette réunion est d'étudier le programme du Haut Commissaire en Indochine.

La réunion sera présidée par:

- M. Glen Buick: Directeur-adjoint de la direction des affaires économiques et sociales des Nations Unies, Ministère des Affaires extérieures.

Les représentants du Bureau du HCR seront:

- M. A. Rizvi: Chef de cabinet du Haut Commissaire aux Réfugiés
- M. V. Dayal: Représentant régional
- M. G. Perkins: Représentant régional adjoint
- M. J.-B. Lanctôt: Représentant à Ottawa.

Seront présent, du Ministère des Affaires extérieures:

- M. D. Molgat: Directeur - Direction de l'Asie de l'Est
- M. M. Pelletier: Direction de l'Asie de l'Est
- M. C. Watts: Direction de la Coopération.
- Mlle D. Whiteside: Direction de la Coopération

Les représentants de l'ACDI seront:

- M. F. Smith: Direction des programmes bilatéraux
- M. J. Devlin: Direction de l'Asie
- M. H. Hermens: Direction des programmes multilatéraux.

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NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

Miss Dora Mrzljkar

Télégrammes : HICOMREF
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 - 33 40 00 33 20 00

Palais des Nations
CH-1211 GENÈVE 10

Ref: S I F

13 May 1974

21-MOD-E a)

REGISTERED MAIL

47 - 4-UNHCR
38 SJ

[redacted]

We acknowledge receipt of your letter dated 9.4.1974.

We would like to draw your attention to the fact that as long as the UNHCR Residual Fund is not exhausted there could be a possibility for an assistance for you if at any time between May 1945 and 31.12.1965 you were a refugee within the meaning of the Convention relating to the status of refugees of 28 July 1951, and were severely persecuted under the national-socialist regime for reasons of nationality. This means that you

a) were detained in a Concentration Camp or in a penal camp ("Straflager") for a period exceeding 30 days, or

b) are the surviving dependant of a person who died as a consequence of persecution for reasons of nationality, or

c) ~~were deported to forced labour under the age of 17 years and were not accompanied by your parents, and~~ s.19(1)

d) have not yet obtained compensation (with the exception of "Beihilfe" under Art. VI/4 of the German Final Law on Indemnification)

If you meet these conditions, we suggest you ~~ask our Representative~~ fill in the attached

... ~~for~~ application forms. These should be carefully and completely filled in, in triplicate, and returned to us in Geneva, together with any evidence in your possession concerning a) your past or present refugee status and b) the persecution you claim to have suffered under the national-socialist regime.

We shall expect your application to arrive here ~~within two months from the date of this letter~~ by 15.6.1974 at the latest, after which date it will be assumed that you are not interested in applying.

[redacted]

Yours sincerely,

Dr. B. Moravek
Chief
Indemnification Unit

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NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS

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FOR REFUGEES

Télégrammes : HICOMREF
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 33 40 00 33 20 00

Palais des Nations
CH-1211 GENÈVE 10

8 July 1974

[redacted]

We acknowledge receipt of your letter dated 28.6.1974.

Our letter of 13.5.1974 contains the conditions to be met for assistance from the UNHCR Indemnification Fund. However, in your application for assistance of 24.5.1974 you stated to have been detained in concentration camp in Fossoli di Carpi in 1946.

Therefore, we wish to draw your attention to the fact that,

1/ - you were not detained in this camp under the nazi regime as it was after the war,

2/ - during the war Fossoli di Carpi was not a concentration camp but a transit camp.

s.19(1)

Consequently, according to the rules governing this Fund your application cannot be taken into consideration.

We very much regret not to be able to give you a more favourable reply.

Yours sincerely,

Dr. B. Moravek
Chief
Indemnification Unit

[redacted]

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Diary/File/Circ

CWL/Pierre Charpentier/2-2400/er

FLA (Attention: Mr. Buchan)

RESTRICTED

October 15, 1973

CWL

United Nations Convention on Refugees.

47-4-UNHCR
30 —

I will be interested in knowing at your earliest convenience what, if anything, the United Nations Convention on Refugees has to say about refugees in the receiving country indulging in political activities against their country of origin or any third country.

PIERRE CHARPENTIER
Pierre Charpentier,
Director,
Latin American Division

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NATIONS UNIES
HAUT COMMISSARIAT POUR LES RÉFUGIÉS

UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Télégrammes : HICOMREF
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 33 40 00 33 20 00

Palais des Nations
CH-1211 GENÈVE 10

18 July 1973

SIF

[redacted]

14 June 1973

47-4-UNHCR
38 | 52

Your letter of 4 June 1973 has been received and read with much sympathy. We must inform you, however, that we are unable to be of assistance to you as you are now a Canadian citizen and no longer a refugee. We note that you have been receiving an allowance as a disabled person since September 1966 from the Department of Social and Family Services. We would suggest that you discuss any needs which are not being met with a representative of that agency.

With best wishes,

for Kimi Nagatani
Americas, Iberia and
Oceania Section

s.19(1)

Kimi Nagatani
Kimi Nagatani
Americas, Iberia and
Oceania Section

[redacted]

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EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

MEMORANDUM

TO / À: FILE

FROM / De: C.J.M. Thomson

REFERENCE / Référence:

SUBJECT / Sujet: The Role of UNS vis-à-vis Application of the Convention Relating to the Status of Refugees

SECURITY / Sécurité: UNCLASSIFIED

DATE: September 8, 1972

NUMBER / Numéro:

FILE	DOSSIER
OTTAWA	47-4-UNHCR
MISSION	

ENCLOSURES / Annexes

DISTRIBUTION

UNS –
Mr. Thibault
Mr. Buick
Mr. Caron

THE PROCESS

1. When a deportation case is under consideration by the Department of Manpower and Immigration which deals with someone who might be classed as a refugee under the Convention, [redacted] writes to FLC. During the whole procedure, FLC remains the contact with [redacted] might ask the Department to facilitate the entry of a deportee into his own or another country, or to determine if individual cases fall within the terms of the Convention.

2. FLC then passes the details of cases to UNS, which has the responsibility within the Department for co-ordinating the views of interested divisions on the applicability of the Convention to individual cases.

3. UNS then attempts to determine the applicability from both the legal and political point of view. The steps are as follows:

(a) FLA is provided with the details of the case and asked to comment on them from the legal aspect. Similarly, the political division concerned is apprised of the case and asked to comment on the political ramifications. In practice, we have generally made a preliminary determination of the merits of individual cases and circulated our proposed reply for FLC to FLA and the political division for confirmation.

s.19(1)

(b) If a case warrants close examination, Geneva may be contacted to approach the Office of the UNHCR for their comments or verification of the refugee status of an individual or for the UNHCR's agreement that even though one may be a refugee, he has committed a crime(s) of a serious enough nature that he may be deported.

(i) If there is any doubt as to whether someone is a refugee or not by the definition of the Convention, this division sends to Geneva all details of the potential refugee's birth, the date he left his home country, the circumstances under which he did so, passport or Fremdenpass numbers if possible, and the subject's home address in his former country to be passed on to the UNHCR to enable him to provide us with his

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views. It must be noted that the Department of Manpower and Immigration officers at ports of entry appear to stamp "refugee" on many incoming immigrants' landing cards. This designation is not necessarily related to the definition of a refugee under the Convention and should not necessarily have a bearing on our determination of the applicability of the Convention to any case.

(ii) If it is determined that a subject under a deportation order is indeed a refugee (Note Article One of the Convention), Articles 32 dealing with expulsion and 33 with "refoulement" must be considered.

Under Article 32, a refugee must be allowed a reasonable period within which to seek legal admission into another country. This is a process which has limited application as the reasons for deportation would generally preclude the deportee's being accepted elsewhere. Article 33(2) deals with refugees whom there are reasonable grounds for regarding as a danger to the security of the country in which they are (Canada) or a danger to the community of that country. Reference to Geneva letter No. 513 of November 26, 1971 (47-4-UNHCR) contains an interpretation by the Office of the UNHCR of the term "a particularly serious crime" and should be closely consulted.

The crime of murder, one would expect, might constitute a "particularly serious crime." If, however, there were extenuating circumstances or if it were a crime of passion, the UNHCR might not consider it sufficient grounds on which to deport a refugee.

Before the Department agrees to the deportation of a refugee, the UNHCR should be consulted on the case. To enable the High Commissioner to do so, all details of a refugee's case and the crime(s) of which he has been convicted should be supplied through Geneva.

In addition to the circumstances of a case, the report of some type of independent enquiry into the facts should be undertaken to determine the refugee's potential danger to the security of the nation or the community. It should be prepared at the request of the Department of Manpower and Immigration by a qualified professional such as a psychiatrist, social worker or parole board officer. It is likely that such a report, which would well serve our purpose, would be prepared for an individual's trial or prior to consideration of parole for the subject.

These cases often pose a great deal of difficulty as our international obligations under the Convention do not always coincide with our domestic laws. By the time that FLC is contacted, MANDI has often gone through all the domestic deportation procedures, including

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their own Immigration hearings, the Immigration Appeal Board and perhaps an appeal to a superior court. External, namely UNS, is then in the position of telling MANDI that our international obligations supercede the domestic procedures and that we may have to ask that a deportation order not be proceeded with.

4. When all relevant opinions have been gathered and a consensus reached, UNS prepares a memorandum to FLC outlining the decision and the reasons for it.

If UNS determines that an individual is not a refugee and that we have no objection to his deportation, the interest of this division ceases. There may still be political considerations of sufficient weight that this Department will recommend against deportation. In this latter instance, it is the responsibility of FLC to work out a reply for the Department of Manpower and Immigration with the political division concerned. International political considerations, while not necessarily within the purview of UNS responsibilities, can have the same effect as our legal obligations.

In practice, however, we have on occasion brought to the attention of the Department of Manpower and Immigration, through FLC, that in what seem to be deserving cases (again a difficult judgement to make) our decision that one is not a refugee does not preclude him from benefiting from the discretion of the Minister of Manpower and Immigration if he should so choose.

5. FLC then passes this information on to MANDI.

6. In cases where the UNHCR is consulted, as a courtesy, the final disposition of the case should be communicated to him through Geneva.

CONCLUSIONS

It has become apparent through the experience of the past several months that a rather strict adherence to the Convention is the preferable approach.

It seems that potential deportees must be given every benefit of the doubt in order that we fulfil our obligations under the Convention.

Because of the quasi-judicial decisions we are called on to make, a conscious effort must be made to be consistent in judgement, perhaps best done by recalling the precedents.

A. White

for C.J.M. Thomson

FILE CIRC DIARY

UNS Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

MEMORANDUM

FLC

UNS

RESTRICTED

August 15, 1972

Your memorandum of May 23, 1972

Lazlo Eper

47-4-UNHCR
47-1-1-HCR-24 // 83-11-1-3-Hung

GEA
FLA

You will recall that our letter UNS-487 June 6, asked Geneva to raise the case of Lazlo Eper with the UNHCR. You will note from the reply of the Office of the UNHCR, which is attached, that in view of the very serious criminal record of this refugee the UNHCR would not wish to intervene should Canada proceed with deportation.

2. Unless GEA has objections we suggest that you inform the Department of Manpower and Immigration that our obligations under the convention would not prohibit Canada from deporting Eber even with his serious criminal record.

R. G. Seaborn

for United Nations Economic &
Social Affairs Division

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

GEO (Montpetit)

FLA

Mr. R. Bizier

CONFIDENTIAL

July 17, 1972.

47-4-UNCHR

Further to your conversation of the same date with Mr. Mawhinney of this Division, we would like to point out the articles of the Convention Relating to the Status of
PDH Refugees, signed at Geneva on July 28, 1971, dealing with identity papers and travel documents. As you know, both
PSI France and Canada are parties to the Convention as well as to the subsequent Protocol Relating to the Status of Refugees.

2. The Convention defines as a refugee any person who inter alia:

> "Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it."

Should a country decide that a person fits this description, this person would then be entitled to the protection and advantages provided for by the Convention.

3. We enclose a copy of Articles 27 and 28 relating specifically to Identity Papers and Travel Documents as well as copy of the Schedule which applies with respect to such travel documents. You will note that the Convention imposes an obligation on the Contracting States to issue identity papers to any refugee in their territory without valid travel document, and to issue travel documents for the purpose of travel outside their territory to refugees lawfully staying in their territory unless compelling reasons of national security or public order otherwise require.

4. You will also note that paragraph 13 of the Schedule provides that the issuing state has the obligation to readmit the refugee to its territory during the period of validity of

. . . / 2

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

the travel documents. However, paragraph 16 stipulates that the issuance of such documents does not in any way entitle the holder to the protections of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

W. H. MONTGOMERY

Legal Advisory Division

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Document divulgué en vertu de la Loi sur l'accès à l'information

IOIA 83
FROM/DE: ACRD
AUG 14 1972
ATT/RU Thomson

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

TO / À: The Under-Secretary of State for External Affairs
Attn: UNS

FROM / De: Permanent Mission of Canada to the Office of the United Nations at Geneva

REFERENCE / Référence: Your letter UNS-487 of June 6, 1972.

SUBJECT / Sujet: [redacted]

SECURITY / Sécurité: RESTRICTED

DATE: July 27, 1972.

NUMBER / Numéro: 342

FILE / DOSSIER
OTTAWA 47-4-UNHCR
MISSION 47-1-HCR 24

cc 83-11-1-3-Hung

ENCLOSURES / Annexes: 1

DISTRIBUTION

Please find attached to this letter copy of a self-explanatory reply we have received from the office of the UNHCR in connection with the above subject. You will note that Miss Jacobs from UNHCR concludes by saying that "in view of the very serious criminal record of this refugee we do not feel that this is a case in which we should wish to intervene."

2. We have submitted the case of [redacted] your letter UNS-575 of July 12) to UNHCR for their comments.

s.19(1)

Robert Auger
for The Permanent Mission

JMS

Ext. 4078/Bil.
(Admin. Services Div.)

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

NATIONS UNIES
OFFICE DU HAUT COMMISSAIRE
POUR LES RÉFUGIÉS

UNITED NATIONS
OFFICE OF THE HIGH COMMISSIONER
FOR REFUGEES

Télégrammes : HICOMREF
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 ~~33 40 00 33 20 60~~ 31.02.11

s.19(1)

Palais des Nations
CH-1211 GENÈVE 10

17 July 1972

Dear Mr. Auger,

We should like to refer to our telephone conversation of 16 June concerning [redacted] whose deportation to Hungary is being considered. We also acknowledge receipt of your letter of 16 June enclosing the text of the judgement in this case.

We have not been able to obtain any details either from the Austrian or the British authorities concerning the specific reasons for his having fled from his country of origin in 1956, in view of the short time he has been in these two countries prior to his emigration to Canada.

However, in view of the very serious criminal record of this refugee we do not feel that this is a case in which we should wish to intervene.

Yours sincerely,

E. Jacobs
Protection Division

Mr. Robert Auger
Second Secretary
Permanent Mission of Canada to the
European Office of the United Nations
10A avenue de Budé
1202 Geneva

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

UHS
FLA

OTTAWA, June 29, 1972.

File: ~~83-11-1-HUNG~~
cc 47-4-UNHCR file
83-11-1-3 HUNG.

The Assistant Deputy Minister,
Canada Immigration Division,
Department of Manpower and Immigration,
E.A. Bourque Memorial Building,
Ottawa, K1A 0J9.
Attention: Chief, Enforcement Division,
Home Services Branch.

Re: [redacted]

This refers to your letter of February 8, 1972 and previous correspondence concerning the above-noted person's deportation to Hungary.

The case has received careful examination and it has been concluded that, in order to judge whether [redacted] is entitled to the protection of the 1951 Convention Relating to the Status of Refugees, it is necessary to determine whether, in addition to having been convicted of a particularly serious crime, he will, upon his release from prison, constitute a danger to the community.

If in due course [redacted] were to be paroled, it would appear that he was no longer to be regarded as a danger to the community. The converse however would not necessarily hold good. If, therefore, it is desired to pursue action to deport in this instance, it is recommended that arrangements be made to initiate an independent enquiry by a suitably qualified person, such as a psychiatrist, social worker or parole-board officer, who could then submit a report on the question whether or not the subject constitutes a danger to the community.

s.19(1)

Under-Secretary of State
for External Affairs

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

cc. file
diary
circ

[redacted]

s.19(1)

FLC

UNCLASSIFIED

UNS

June 8, 1972

Your memorandum of May 25, 1972

[redacted]

83-11-1-HUNG 47-4-UNHCR

With reference to UNS Memorandum of August 24, 1971, paragraph 3, where the question of Article 1, part F, sections (a) and (c) was raised as possibly applicable to [redacted] it is our feeling that this part of Article 1 could unlikely be interpreted to cover those guilty of a crime such as was committed by the subject.

FLA

GEA

2. In paragraph three of your memorandum under reference you asked for clarification of the question of an "independent inquiry into the facts". The intent of such a request would be to have a report prepared on the question of whether the subject constitutes a danger to the community. Such a report should, at the request of the Department of Manpower and Immigration, be prepared by a qualified professional such as a psychiatrist, social worker, or parole board officer. It is likely that such a report, which would well serve our purpose, would be prepared prior to consideration of a parole for the subject.

3. We agree with paragraph 4 of your memorandum that if the subject were paroled it could well preclude him being considered a danger to the community. On the other hand, if a parole request were denied the reasons might not necessarily be sufficient to consider the subject a danger to the community.

4. The present status of the [redacted] case is therefore, that the Department of Manpower and Immigration should be requested to initiate the preparation of a report on the subject by a qualified professional, examples of whom are above, with a view to determining whether Mr. Bakonyi does or does not represent a danger to the community.

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
R. G. SEABORN

R.G. Seaborn
Acting Director
United Nations Economic and
Social Affairs Division

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cc. file
diary
circ

The Permanent Mission of Canada to the United Nations
at GENEVA

The Under-Secretary of State for External Affairs,
OTTAWA

CONFIDENTIAL

June 6, 1972

UNS-487

47-4-UNHCR 42

47-4-UNHCR 83-11-1-3-1

s.19(1)

We attach correspondence and other data on [redacted] who entered Canada April 10, 1957 and was granted landed immigrant status.

2. You will see from the attachments that [redacted] has a long record of convictions in Canada culminating in a conviction on a charge of attempted murder, for which he has received a sentence of life imprisonment.

3. We would be grateful if you would request the Office of the United Nations High Commissioner for Refugees to consider the subject's case in light of Article 33, paragraph 2, of the Convention so that we might advise the Department of Manpower and Immigration of our responsibilities as a signatory of the Convention.

4. [redacted] was ordered deported on January 13, 1969 and a subsequent appeal was dismissed. The order has obviously never been effected but due to the serious nature of the subject's most recent conviction, the Department of Manpower and Immigration now wishes to do so.

R. G. Seaborn

Under-Secretary of State
for External Affairs

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→ USSEA (FLA) ←

Permisny/E.B.Wang/cm

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

TO/A FLA
FROM/DE: ACRD
MAY 30 1972
ATT'N

REFERENCE: C.N.63.1972.TREATIES-2

22 May 1972

47-4-4 UNHCR
9

PROTOCOL RELATING TO THE STATUS OF REFUGEES
DONE AT NEW YORK ON 31 JANUARY 1967

ACCESSION BY CHILE

Sir,

I have the honour, upon instructions from the Secretary-General, to inform you that, on 27 April 1972, the instrument of accession by the Government of Chile to the Protocol relating to the Status of Refugees, done at New York on 31 January 1967, was deposited with the Secretary-General, in accordance with article V.

In a letter dated 24 January 1972, the Chargé d'Affaires a.i. of Chile to the United Nations, upon instructions from his Government, informed the Secretary-General that the following reservations which were formulated in the instrument of accession of Chile to the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, applied also to the above-mentioned Protocol:

(Translation) (1) With the reservation that, with reference to the provisions of article 34, the Government of Chile will be unable to grant to refugees facilities greater than those granted to aliens in general, in view of the liberal nature of Chilean naturalization laws;

(2) With the reservation that the period specified in article 17, paragraph 2 (a) shall, in the case of Chile, be extended from three to ten years;

(3) With the reservation that article 17, paragraph 2 (c) shall apply only if the refugee is the widow or the widower of a Chilean spouse;

(4) With the reservation that the Government of Chile cannot grant a longer period for compliance with an expulsion order than that granted to other aliens in general under Chilean law.

FLA

ENTERED IN
CANADA TREATY REGISTER

The Secretary of State for External Affairs
Department of External Affairs
Ottawa
Canada

000202

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UNITED NATIONS NATIONS UNIES

In accordance with paragraph 2 of article VIII, the Protocol entered into force for Chile on the date of deposit of its instrument of accession, that is to say, on 27 April 1972.

Accept, Sir, the assurances of my highest consideration.

Constantin A. Stavropoulos
The Legal Counsel

COPY

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UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE: C.N.63.1972.TREATIES-2

Le 22 mai 1972

PROTOCOLE RELATIF AU STATUT DES REFUGIES
EN DATE A NEW YORK DU 31 JANVIER 1967

ADHESION DU CHILI

Monsieur le Ministre,

J'ai l'honneur, sur instructions du Secrétaire général, de porter à votre connaissance que, le 27 avril 1972, l'instrument d'adhésion du Gouvernement chilien au Protocole relatif au statut des réfugiés, en date à New York du 31 janvier 1967, a été déposé auprès du Secrétaire général, conformément à l'article V.

Par lettre en date du 24 janvier 1972, le Chargé d'affaires par intérim du Chili auprès de l'Organisation des Nations Unies a informé le Secrétaire général, d'ordre de son Gouvernement, que les réserves suivantes formulées dans l'instrument d'adhésion du Chili à la Convention relative au statut des réfugiés, en date à Genève du 28 juillet 1951, s'appliquent également au Protocole susmentionné :

(Traduction) 1) Sous la réserve qu'en ce qui concerne les dispositions de l'article 34, le Gouvernement chilien ne pourra accorder aux réfugiés des facilités plus grandes que celles accordées aux étrangers en général, vu le caractère libéral des lois chiliennes sur la naturalisation;

2) Sous la réserve que le délai de résidence mentionné à l'alinéa a) du paragraphe 2 de l'article 17 est porté, en ce qui concerne le Chili, de trois à dix ans;

3) Sous la réserve que l'application de l'alinéa c) du paragraphe 2 de l'article 17 sera limitée aux réfugiés qui sont veufs d'un conjoint chilien;

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b) Sous la réserve que le Gouvernement chilien ne peut accorder, pour l'exécution d'un ordre d'expulsion, un délai plus long que celui que les lois chiliennes accordent aux autres étrangers en général.

Conformément au paragraphe 2 de l'article VIII, le Protocole est entré en vigueur pour le Chili à la date du dépôt de son instrument d'adhésion, soit le 27 avril 1972.

Veuillez agréer, Monsieur le Ministre,

les assurances de ma très haute considération.

Le Conseiller juridique

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4) Sous la réserve que le Gouvernement chilien ne peut accorder, pour l'exécution d'un ordre d'expulsion, un délai plus long que celui que les lois chiliennes accordent aux autres étrangers en général.

Conformément au paragraphe 2 de l'article VIII, le Protocole est entré en vigueur pour le Chili à la date du dépôt de son instrument d'adhésion, soit le 27 avril 1972.

Veuillez agréer, Monsieur le Ministre,
les assurances de ma très haute considération.

Le Conseiller juridique

Constantin A. Stavropoulos

COPY : COPIE

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VQ/dm

TBO/72-153

16 May 1972

Dear Major Chandler,

We have been informed by the Permanent Mission of Canada to the United Nations that you have been designated as a Military Observer with the United Nations Truce Supervision Organization in Palestine. We are pleased to welcome your participation in this important mission of the United Nations.

Enclosed you will find a circular for your information and guidance in preparing yourself for your travel.

With best wishes for a pleasant journey and a successful and interesting assignment.

Sincerely yours,

George Lansky
Chief
Field Operations Service
Office of General Services

Major D.S. Chandler
c/o Permanent Mission of Canada
to the United Nations
866 United Nations Plaza, Suite 250
New York, New York 10017

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DEPARTMENT OF MANPOWER AND IMMIGRATION

CANADA

MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

TO: UNS
FROM: ACND
ATTN: M. Thomson

OUR FILE NO.
Notre référence 5780-1

Ottawa K1A 0J9, Ont.

March 3, 1972.

47-4-UNHCR
7 | 05

9-3

File Home

The Under-Secretary of State
for External Affairs.

Attention: R. G. Seaborn,
U.N.S. Division.

Re: Convention Relating to the Status of Refugees, your file 47-4-UNHCR.

Thank you for your letter of February 23, 1972, to which you attached a copy of letter No. 513 from the Permanent Mission to the United Nations.

The comments of the U.N.H.C.R.'s legal adviser on the interpretation of Article 33.2 of the Refugee Convention have been noted with interest. This information will be most useful in dealing with cases where the deportation of any refugee from Canada may be considered, and I would appreciate your conveying my thanks to the Head of our Permanent Mission to the United Nations in Geneva.

Yours sincerely,

H. S. Johnson,

UNS

M. & I. 164
7530-21-029-3244

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UNS/C.J.M. Thomson/NVB

EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

MEMORANDUM

TO / À: File

FROM / De: UNS

REFERENCE / Référence: IMMIGBERUT Telegram No. IM435, February 17, 1972

SUBJECT / Sujet: Jewish emigrants from Iraq

SECURITY / Sécurité: UNCLASSIFIED

DATE: March 2, 1972

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA
47-4-UNHCR
MISSION
2

ENCLOSURES / Annexes

DISTRIBUTION

In conversation with GAM, Mr. Mundell (2-8252) it was learned that there are evidently considerable numbers of the subjects leaving Iraq after alleged harassment by the government. Many of them have come or are planning to come to Canada.

2. GAM has done considerable work on the question, has the standard voluminous files, and maintains a continuing interest.

3. Should any problems arise bringing the question within the purview of the UNHCR it is suggested that GAM could provide relevant background information.

United Nations Economic and
Social Affairs Division

Ext. 407A/Bil.
0-21-029-2729

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

cc. file
diary

UNS/C.J.M. Thomson/NVB

The Canadian Embassy,
VIENNA

The Under-Secretary of State for External Affairs,
OTTAWA

RESTRICTED

March 1, 1972

UNS-230

Our Letter No. UNS-1391, December 30, 1971

Bela Varga

47-4-UNHCR

FLC
FLO
FPD

For future reference in similar cases, it would be appreciated if, as requested in the referred letter, you could secure from the Austrians an indication of their past attitude to such cases and what it might be should we ever request a travel document from them to enable us to deport such individuals to Austria.

R. G. Seaborn

for Under-Secretary of State
for External Affairs

Document disclosed under the Access to Information Act -
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cc. UNS

File
Diary
Div. diary

OTTAWA, K1A 0G2.

February 23, 1972.

Our file: 47-4-UNHCR

9 | 28

The Deputy Minister,
Department of Manpower & Immigration,
E. A. Bourque Building,
305 Rideau Street,
OTTAWA.

Re: Convention Relating to the Status of Refugees - Letter from U.N. High Commission for Refugees.

You will recall our letter of January 24, 1972, with enclosed copy of letter No. 513 of November 26 from the Permanent Mission to the United Nations (Geneva) and attachment, dealing with the interpretation of article 33.2 of the Convention Relating to the Status of Refugees by the Legal Division of the United Nations High Commission for Refugees.

Please find enclosed a better copy of the same letter.

Under-Secretary of State
for External Affairs,

W.H. MONTGOMERY

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EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

Mr. Thompson

TO / À: Under-Secretary of State for External Affairs (UNS)

SECURITY / Sécurité: RESTRICTED

DATE: February 22, 1972.

FROM / De: Canadian Embassy, VIENNA

REFERENCE / Référence: Your letter UNS-1391 of December 30/71

NUMBER / Numéro: CC 83-82-1 Hung.

FILE / DOSSIER
OTTAWA 47-4-UNHCR
~~47-UNHCR~~
MISSION 83-11

SUBJECT / Sujet: PROPOSED DEPORTATION, [redacted]

ENCLOSURES / Annexes

DISTRIBUTION

FLC
FLA
GEO
GENVA

The Austrian authorities would react negatively should a travel document be requested from them in order to remove individuals such as Varga from Canada. They justify this position by citing the "Convention Relating to the Status of Refugees" and the Austrian Federal Law No.126 of April 17, 1968 on the "Residence Rights of Refugees".

2. [redacted] Austrian travel document expired April 24, 1968. Consequently the Austrian officials maintain that in accordance with paragraph 13 of the Convention's Annex, Austria is no longer obliged to re-admit Varga. This paragraph reads as follows:

> "Each contracting State undertakes that the holder of a travel document issued by it in accordance of Article 28 of this Convention shall be re-admitted to its territory at any time during the period of its validity."

3. This same paragraph has also been incorporated into the Austrian Law No.126 which stipulates that the refugee who holds an Austrian travel document and prolongs his presence in a foreign country beyond the period of that document's validity, has no longer any legal right to re-enter Austria. s.19(1)

4. In addition the following paragraph 6 of the Convention's Annex, which has also been incorporated into Austrian Law No.126, would in the Austrian view, further preclude Varga's deportation to Austria:

> "The renewal or extension of the validity of the (travel) document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is under the same conditions, a matter for the authority which issued the former document."

UNS

000212

Ext. 4078/Bil.

...2

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5. [redacted] had established lawful residence in Canada by having been granted landed immigrant status. Since his conviction he had no longer "resided lawfully" in Canada. Thus the Austrian authorities maintain that an expired travel document, a landed immigrant status in Canada, and a criminal conviction release the authorities here of any obligations, whatsoever, towards [redacted]

6. Apart from this legal argumentation, our informal soundings have also indicated that neither the Ministry of Foreign Affairs nor the Ministry of the Interior would be receptive in any way towards assisting Canada with a [redacted] case. Accordingly, we agree with the UNS memorandum of December 29, namely that a Canadian request to have Varga re-admitted to Austria would be counter-productive and hence not worth-while pursuing. s.19(1)

The Embassy

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la loi sur l'accès à l'information

File [redacted]

UNS/R. Seaborn/aw

EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

FLC GAM

SECURITY / Sécurité: RESTRICTED

DATE: February 21, 1972

NUMBER / Numéro:

FROM / OM: UNS

REFERENCE / Référence: FLA memorandum of February 18 and our memorandum of January 18 s.19(1)

SUBJECT / Objet: Deportation: [redacted]

FILE / DOSSIER
OTTAWA [redacted]
cc:47-1-UNHCR
MISSION

2

ENCLOSURES / Annexes

DISTRIBUTION

As FLA considers that on the basis of the evidence available [redacted] is not a refugee under the convention relating to the status of refugees, the interest of UNS in this case no longer exists. However, we feel that at an early date both Cairo and Geneva should be advised of the most recent developments and informed at the same time of the opinion of FLA concerning [redacted] status.

2. When FLC is writing to Manpower and Immigration in reply to Manpower and Immigration's letter of January 5, they could perhaps note that [redacted] true identity seems reasonably well established. (This was a question that Immigration had asked.) FLC could also ask for an explanation of what happened in the federal court on February 14. We leave it to GAM to decide whether they wish to take up the request by Immigration for an opinion regarding [redacted] claim of persecution if he is returned to Egypt.

R. G. Seaborn

J.E. Thibault
Director
United Nations Economic and
Social Affairs Division

Ext. 407A/Bil.
0-21-029-2729

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

File
Diary
Div. diary

FLA / J. C. Caron / mm

UNS

RESTRICTED

February 18, 1972.

FLA

s.19(1)

Your memo of January 18, 1972.

Deportation: [redacted]

83-11-1-UAR
47-4-UNCHR

9

We now have had an opportunity to consider whether [redacted] can be described as a refugee under the terms of the Convention Relating to the Status of Refugees.

FLC

GAP

GAM

2. As you know, the Convention which entered into force in Canada on September 2, 1969, after Canada's accession on June 4, 1969 defines at article one the term "refugees" as applying to any person who

> "Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country;..."

3. We examined the minutes of the Inquiry held under the provisions of the Immigration Act at the Canada Immigration Center, Vancouver, B.C. on October 13, 1971; although [redacted] first mentioned some political opinion (page 8/9 Inquiry), he later stated he was not interested in politics (page 18, Inquiry) and that the only charges outstanding against him in Egypt were for military desertion, that his fears of returning to Egypt were brought about by the fear of the consequences of his desertion (page 17-18 Inquiry). Therefore, on the basis of the evidence obtained at the Inquiry, there is not, in our opinion, sufficient ground to consider [redacted] a refugee under the Convention Relating to the Status of Refugees. This does not preclude [redacted] from beneficiating from "special relief" if there exists sufficient compassionate and humanitarian grounds warranting such relief, as provided for in the Immigration Act, Revised Statutes of Canada, 1970, I-2, and Immigration Appeal Board Act, Revised Statutes of Canada, 1970, I-3.

4. The problem of [redacted] identity as he entered Canada under the alias of [redacted] was not considered as whether or not the person detained is in fact [redacted] does not change the conclusions that were reached.

W. H. MONTGOMERY

Legal Advisory Division

000215

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Mandell - GAM
2-8252

Mr. Thomson 2 to FC, FIN, GAM
follow

plus suggest to GAM that Thomson might have already done so FLC FLA but perhaps FLC could on the distribution list

Immigbert could have M+I carbed to as well

RH 23/2

CONFIDENTIAL

FM IMMIGBERUT IM435 FEB17/72

TO TT EXTOTT GAM DE PARIS

INFO TT IMMIGOTT DE OTT TERAN DE PARIS

---JEWS IN IRAQ

FURTHER TO YOURTEL GAM5Ø JAN25 HAVE INTERVIEWED PROMINENT IRAQI JEW s.19(1) VISAED TO SON IN MTL.HE IS AWARE OF THE CIRCUMSTANCES SURROUNDING ARRESTS.THIS INVOLVES 3 IRAQI JEWISH DOCTORS WHO WERE ARRESTED BEFORE ILLEGALLY TRANSFERRING MONEY ABROAD AND SUBSEQUENTLY RELEASED A FEW WEEKS LATER.

2.IT SHOULD BE NOTED THAT IT IS ILLEGAL FOR ANY IRAQI TO TRANSFER MONEY ABROAD IN THE MANNER WHICH THEY DID AND THEREFORE ARREST WAS QUITE WITHIN THE LAW.HOWEVER AS BEKHOR POINTED OUT THE LAW IS OFTEN DISREGARDED WITH RESPECT TO IRAQIS BUT IS FULLY IMPLEMENTED WITH RESPECT TO IRAQI JEWS.

3.SUBJ STATED THAT THERE ARE APROXLY 5ØØ JEWS REMAINING IN IRAQ ALL OF WHOM ARE CONFIDENT OF RECEIVING PASSPORTS BUT THAT THEY MAY NOT/NOT LEAVE FOR SOME TIME AS MOST OF THEM ARE FAIRLY WEALTHY AND ARE SEARCHING FOR MEANS OF DISPOSING PROPERTY.FROM PARA1 IT CAN THEREFORE BE ASSUMED THAT MORE ARRESTS MAY TAKE PLACE.SUBJ STATED THE GOVT IS ANXIOUS THAT JEWS LEAVE AS THIS MEANS THE PROPERTY FALLS INTO GOVT OFFICIALS HANDS.HE STATED THAT AT PRESENT THERE WAS NO/NO PERSECUTION OF JEWS IN IRAQ HOWEVER THERE IS FREQUENT HARASSMENT USUALLY TO DETERMINE WHERE FUNDS HAVE DISAPPEARED AFTER THE JEWS

...2

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HAVE SOLD PROPERTY,HOUSES ETC.

4.WITH RESPECT TO AMBASSADOR EBERIS MEMO 344 NOV29/71 CONCERNING VIST OF MYSELF AND HIM TO BAGHDAD NOV15 TO 19 AND OUR CONVERSATION WITH CHACHAK,HE STATED THAT ANYTHING CHACHAK SAID DURING OUR MTG IN THE BAGHDAD HOTEL WAS MEANT FOR THE EARS OF OF THE IRAQI GOVT AND THAT HE COULD NOT/NOT POSSIBLY SPEAK HIS MIND AS ALL JEWS BELIEVE EVERYTHING IN BAGHDAD IS BUGGED.THIS WOULD EXPLAIN CHACHAKS SOMETIME EVASIVE AND CONTRADICTORY STATEMENTS MADE DURING THE INTERVIEW.

5.ON THE QUESTION OF AN INTERVIEW TRIP TO IRAQ SUBJ STRONGLY EMPHASIZED THAT IT WOULD BE FUTILE AS VERY FEW JEWS WOULD TURN UP ANYWHERE IN IRAQ FOR AN INTERVIEW.

6.FINALLY I TOLD BEKHOR THAT WHILE WE COULD NOT/NOT GUARANTEE A VISA TO IRAQI JEWS ARRIVING IN BERUT FOR INTERVIEW WE WOULD DO OUR VERY BEST WITHIN THE SCOPE OF OUR REGS AND INSTRUCTIONS TO ALLOW THEM TO PROCEED TO CDA.HE SAID HE WOULD RELAY THIS INFO BY APPROPRIATE CHANNELS TO CHACHAK.

181126Z 410

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c.c. The Honourable Mitchell Sharp, The Secretary of State for External Affairs
OTTAWA, Ontario. K1A 0G2

MINISTRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION
MINISTER OF MANPOWER AND IMMIGRATION

Seen by FLA
FHA
MR: Copies to FXC
GAA
Geneva
RAGO
Done

OTTAWA, K1A 0J9
February 9, 1972.

File 47-4-UNHCR

[redacted]

Your letter of January 12th last, to the Honourable Mitchell Sharp, the Secretary of State for External Affairs, has been brought to my attention.

Upon review of your case, it is found that a deportation order was made against you on January 10, 1972 when you arrived at Montreal International Airport seeking admission to Canada for permanent residence. At the time you were not in possession of an immigrant visa which is a prerequisite under the Immigration Regulations. You have filed an appeal from the deportation order and this appeal is outstanding before the Immigration Appeal Board at the present time.

You may be aware that approximately one year ago the Government of Canada became a signatory to the 1951 Convention relating to the status of refugees and the subsequent 1967 Protocol to that Convention. There is now an obligation on Canada to provide protection to individuals considered refugees within the meaning of this document. Since your deportation was ordered, a thorough review of your case has established that you are a person who is considered a refugee within the terms of the Convention. It is not proposed therefore, to take any action which would cause your removal from Canada. Immigration officials have directed a specially prepared form to you for signature. If you will sign the form and return it as requested, an attempt will be made to have an early decision rendered on your appeal. The Department will notify the Board that it has no objection to your being granted permanent residence in Canada.

s.19(1)

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Needless to say, once you are granted permanent status in this country you will be eligible to submit a sponsored dependant application immediately for the admission of your wife and children.

I am extremely pleased that it was possible, in your case, to be of assistance. I certainly hope that you and your family will prosper in this country.

Yours sincerely,

ORIGINAL SIGNED BY
SIGNATURE DE L'ORIGINAL
BRYCE MACKASEY

Bryce Mackasey.

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OJSSEA

FEB 14 1912

REGIST

Copy of date stamp on back of previous page

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FICHE DE SERVICE
ACTION REQUEST

CABINET DU SEAE – OFFICE OF THE SSEA

Date Feb. 16/72

A: SSEA
To:

De: MIN/M.R.Finn/ke
From:

Lettre en date du copy of Feb.9 letter de Minister of ZManpower & Immigration
Letter dated from to Mr. Mzwandile J. Mtangha, Ottawa

Sujet Status in Canada of Mr. Mtangha as refugee
Subject

Action requise: – Action required:

_____ Réponse pour la signature du Premier Ministre
Reply for Prime Minister's signature

_____ Réponse pour la signature du Ministre
Reply for Minister's signature

_____ Réponse au nom du P.M./ou Ministre
Reply on behalf of PM/or SSEA

_____ Réponse pour la signature de
Reply for signature of:

_____ pour avis et retourner
for advice and return

_____ noter et retourner
note and return

_____ traduction
for translation

Commentaires: For information
Comments:

Porter à l'attention des archives du SEAE le
B.F. to Minister's registry on

Commentaires par D.C.O.:
D.C.O.'s comments:

(copy of letter)

000221

EXT 439/BIL

Document disclosed under the Access to Information Act - Document divulgué en vertu de la loi sur l'accès à l'information

MESSAGE

FILE

	PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
FM/DE	OTT	EXT	UNS-140	FEB4/72	47-4-UNHCR 7	CONFD

PRECEDENCE

TO/A CAIRO

INFO GENEVA BY BAG (DONE IN UNS)

FEB 4 1 8 0 A '72

DISTR. GAM FLC FLA UNS GAP

REF YRTL 50 FEB 2/72

SUB/SUJ [redacted]

WE WOULD APPRECIATE FURTHER CONFIRMATION, IF POSSIBLE, ON IDENTITY OF [redacted] AS FORMER MEMBER OF EGYPTIAN ARMY AND ANY OTHER INFO THEY MAY VOLUNTEER ABOUT HIM.

2. ALSO APPRECIATE YOUR FURTHER COMMENTS, WHEN TEXTS OF LAWS RECEIVED, AS TO [redacted] LIKELY TREATMENT IF HE IS RETURNED. [redacted] HAS CLAIMED HE WILL FACE PERSECUTION AND EVEN DEATH ON RETURNING.

3. YOU SHOULD MAKE NO/NO COMMENT ON REQUEST FOR CDN ASSISTANCE IN RETURNING ALY. IMMIGRATION APPEAL BOARD HAS UPHELD DEPORTATION ORDER. THIS DECISION HAS BEEN APPEALED TO FEDERAL COURT AND CASE IS PENDING. WE ARE STUDYING QUESTION OF WHETHER OR NOT [redacted] COULD BE CONSIDERED TO HAVE REFUGEE STATUS UNDER UN CONVENTION RELATING TO STATUS OF REFUGEES. IF CONCLUSIONS ARE NOT/NOT CLEAR WE SHALL HAVE TO SEEK VIEWS OF UNHCR.

s.19(1)

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. R.G. Seaborn/al	UNS	2-5643	SIG. R.G. SEABORN

EXT 16/BIL (REV 8/70)
7530-21-029-4012

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s.19(1)

EXTERNAL AFFAIRS

AFFAIRES EXTÉRIEURES

RANDUM

TO / À: FLC (through FLA)

SECURITY / Sécurité: CONFIDENTIAL

FROM / De: UNS

DATE: January 27, 1972

REFERENCE / Référence: Your memorandum of September 20, 1971, Geneva letter 513 of November 26, 1971

NUMBER / Numéro:

SUBJECT / Sujet: Proposed deportation to Hungary - [redacted]

FILE / DOSSIER
OTTAWA 47-4-UNHCR
MISSION T

ENCLOSURES / Annexes

DISTRIBUTION

In order to assist UNS and FLA to make a judgement regarding [redacted] status viz Article 33.2 of the Convention on Refugees, we would appreciate having two further pièces of information. First we would like to know the circumstances surrounding his departure from Hungary and specifically if he was involved in any political activities which would render him personna non grata with the Hungarian authorities. Secondly we would like to know if [redacted] has discussed with [redacted] the possibility of applying to another country to accept him as an immigrant or a refugee.

Mr Seaban suggests we do not reply to this w. th mv 5 until we know more about the case as we might not be prepared to support an application to a third country

2/2/72

2. The Geneva letter under reference makes it clear that a refoulement to Hungary would be regarded by the UNHCR as a last resort. It is for this reason that we would wish to be in a position to argue, if the occasion arose, that his return to Hungary would not result in his being punished in a severe manner for the very reason he took refuge abroad. Similarly we would want to be sure that there was no other country to which he could go. Although his repeated offences would appear to establish that he has a criminal psyche, it would also prove very useful if [redacted] could provide us with a professional opinion (by that we would mean a psychiatrist, social worker, parole officer or the like) supporting the statement to the effect that he constitutes a danger to the community in their letters of September 3, 1971 and February 2, 1967.

J.E. Thibault
Director
United Nations Economic and
Social Affairs Division

Ext. 407A/Bll.
0-21-029-2729

000223

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

FLA/J. O. Caron/mm

(Retyped in MIN/re)

[redacted]
PLM
Parl. Sec.
FPR
PAG
FAI
FLC
GAA
UNO
UNS
FAI

File
Diary
Div. Diary

s.19(1)

A7-4 UNHCR
9 | 25

Ottawa, K1A 0G2,
January 25, 1972

My dear Colleague:

I attach, for such action as you deem appropriate, a copy of a letter of January 12 sent to me by [redacted] and a copy of my reply. [redacted] is seeking to stay in Canada.

I understand that he has now been released on bond pending appeal of the deportation order.

Yours sincerely,

ORIGINAL SIGNED BY
MITCHELL SHARP

Mitchell Sharp

The Honourable Otto E. Lang,
Minister of Manpower and Immigration,
Ottawa.

3593
Jan. 25

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FICHE DE SERVICE
ACTION REQUEST

CABINET DU SEAE – OFFICE OF THE SSEA

Date Jan. 24/72

A: FLA (FOR INFORMATION AND FILE)
To:

De: MIN/J. H. Taylor/re
From:

Lettre en date du January 18, 1972 de Mr. Andrew Brewin, M.P., House of Commons, Ottawa.
Letter dated from

Sujet receipt of Acknowledgement of/Convention relating to the Status of Refugees.
Subject

Action requise: – Action required:

_____ Réponse pour la signature du Premier Ministre
Reply for Prime Minister's signature

_____ Réponse pour la signature du Ministre
Reply for Minister's signature

_____ Réponse au nom du P.M. /ou Ministre
Reply on behalf of PM/or SSEA

_____ Réponse pour la signature de _____
Reply for signature of:

_____ pour avis et retourner
for advice and return

_____ noter et retourner
note and return

_____ traduction
for translation

Commentaires: _____
Comments:

Porter à l'attention des archives du SEAE le _____
B.F. to Minister's registry on

Commentaires par D.C.O.: _____
D.C.O.'s comments:

000225

EXT 439/BIL

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

File 20C
F-1-A

HOUSE OF COMMONS
CANADA

O T T A W A,
January 18th, 1972.

47-4 UNHCR
9 1 72

The Hon. Mitchell Sharp,
Secretary of State for External Affairs,
House of Commons,
Ottawa, Ontario.

Dear Mr. Sharp:

I am very much obliged to you for sending me the convention relating to the status of refugees and for the further information.

This will be most helpful.

Yours sincerely,

Andrew Brewin

Andrew Brewin,
Member for Greenwood.

cc. file
diary
circ

UNS/R.G. Seaborn/EVB

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

[redacted]ORANDUM

FLA GAM

RESTRICTED

January 18, 1972

UNS

FLC Memorandum of January 14, 1972

Deportation - [redacted]

83-11-1-UAR
47-4-UNHCR

You will have seen FLC's memorandum under reference on the above subject and its attachments including Manpower and Immigration's letter of January 5, 1972.

FLC
GAP

2. Manpower and Immigration has asked this Department to give all assistance possible to i) verify [redacted] identity and ii) obtain a passport or travel document so they may effect his removal. They would also appreciate our opinion regarding his claim of persecution if he is returned to the UAR. It appears to us that before moving on (ii) above we should see whether [redacted] can be considered to have refugee status under the United Nations Convention Relating to the Status of Refugees. Therefore, we would appreciate receiving from FLA an indication as to whether under the terms of the Convention [redacted] has refugee status. If this cannot be clearly determined please inform us so that we may have Geneva consult the UNHCR.

3. We suggest that GAM consider whether [redacted] would be subject to persecution should he be returned to the UAR. You may wish to consult with the Embassy in Cairo. The Embassy may also be able to determine/Aly's true identity is as given.

s.19(1)

4. On the basis of the replies received from GAM and FLA then UNS in consultation with GAM and FLA can decide what further steps should be taken if any before FLC replies to Manpower and Immigration. May we suggest that this case be dealt with with reasonable dispatch as it is well into the public domain.

J.E. Thibault
Director
United Nations Economic and
Social Affairs Division

Document disclosed under the Access to Information Act -
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cc: UNS

FLA

FLC/J. MUNRO/MA HENDRICK/TB

cc: 47-4-UNHCR

OTTAWA, K1A 0G2

s.19(1)

January 13, 1972

Our file: 47-8-1-3

The Deputy Minister
Department of Manpower and Immigration
EA Bourque Memorial Building
305 Rideau Street
OTTAWA, Ontario

Attention: Chief, Enforcement Division
Home Services Branch
Canadian Immigration Division

[redacted]

We refer to the letters of September 17, 1971, and October 5, 1971, from the Canadian Immigration Centre, Toronto, (their file 3270-5-70757 refers) seeking our assistance in obtaining a travel document for [redacted] who is under order of deportation.

After a review of the documents provided, it is our conclusion that it would be contrary to Canada's legal obligations under the Geneva Convention relating to the Status of Refugees to expel [redacted]

For your information, we attach a copy of a memorandum of January 7, 1972, prepared by the Legal Advisory Division of the Department concerning this case.

We should be grateful if you would notify the Canadian Immigration Centre, Toronto, accordingly.

C. CHATILLON

Under-Secretary of State
for External Affairs

FLA/O. Carey/mc
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Document divulgué en vertu de la Loi sur l'accès à l'information

EXTERNAL AFFAIRS

AFFAIRES EXTÉRIEURES

TO / À: UN

SECURITY / Sécurité: Unclassified

DATE: January 7, 1972.

FROM / De: FLA

NUMBER / Numéro:

REFERENCE / Référence: FLC's memorandum of October 19, 1971

SUBJECT / Sujet: Deportation of Stateless Persons [redacted]

FILE	DOSSIER
OTTAWA	47-8-1-3
MISSION	

ENCLOSURES / Annexes

DISTRIBUTION

We regret the delay in commenting upon FLC's memorandum of October 18, 1971 and attached letters and enclosures. We would first like to point out that "participating in a political demonstration" does not under Canadian law constitute a criminal offence; the offence for which [redacted] was convicted is "to cause a disturbance in or near a public place, to wit: on University Avenue, by shouting, fighting, and swearing".

2. From the letters and attachments, we understand the following to be [redacted] life story: [redacted] was born in Cannstadt, Wurbenburg, Germany, in a displaced persons camp, [redacted] obtained a "Certificate substituting Birth Certificate" from the "Legation de Polonia", representative of the Polish Government in exile, in Madrid, Spain, on the 28th of July 1962. (Photo-copy of original). The parents of [redacted] entered Germany in September 1950, via Bremen Haven, from Shanghai. The Scotts lived in numerous displaced persons camps until 1952 when the Scott family moved to Morocco where they resided until 1961, at which time the family resided in Liberia until 1967 when they moved to Canada. [redacted] entered Canada with her family and the family was subsequently granted landed immigrant status at the Court of Toronto effective the 17th of June 1968. [redacted] a United States citizen, in Toronto, in 1970. One child, born in Canada, is from this union. At the present time, there is no knowledge of the whereabouts of [redacted] has indicated she plans to institute divorce proceedings when the three years statutory time period is completed.

s.19(1)

3. [redacted] is described in FLC's memorandum as a "stateless person", which is no doubt an accurate description of her status. As you know, Canada is not a party to the Convention Relating to the Status of Stateless Persons. However, it might well be imprudent to ignore the terms of that Convention, in particular Article 31, which states:

...2

Document disclosed under the *Access to Information Act* - 19(1)
Document divulgué en vertu de la *Loi sur l'accès à l'information*

"1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary."

4. [redacted] can also be considered a "refugee" within the meaning of the Convention Relating to the Status of Refugees. As you know, Canada is a party to this Convention by virtue of its accession on June 4, 1969; the Convention which entered into force in Canada on September 2, 1969 defines at article one the term "refugee" as applying to any person who:

"1. Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 of the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

2. Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it."

In the case of a person who has more than one nationality, the term

"the country of his nationality" shall mean each of the countries of which he is a national, and a person shall

...3

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national."

5. The first paragraph of the first article above-cited incorporates various Conventions which may apply to the case of [redacted] The Convention of the 10th of February 1938, which is the Convention Concerning the Status of Refugees Coming from Germany, signed at Geneva, February 10, 1938, states at Article 1:

"For the purposes of the present Convention, the term "refugees coming from Germany" shall be deemed to apply to:

(1) a) Persons possessing or having possessed German nationality and not possessing other nationalities who are proved not to enjoy, in law or in fact, the protection of the German Government;

b) Stateless persons not covered by previous Conventions or agreements who have left German territory after being established therein and who are proved not to enjoy, in law or in fact, the protection of the German Government.

s.19(1)

(2) Persons who leave Germany for reasons of purely personal convenience are not included in this definition.

6. The Constitution of the International Refugee Organization which Canada signed on December 6, 1946 and accepted August 7, 1947 and which is similarly incorporated in the Convention Relating to the Status of Refugees gives a definition of refugees which could apply to [redacted] (See Annex 1). We believe that as it appears from the definitions given in the above cited conventions [redacted] can be considered as a refugee who could then benefit from Art. 32 of the Convention which reads:

"1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary."

...4

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By no stretch of the imagination can [redacted] "crime" be considered as a threat to our "national security or public order": the deportation order should then be considered as unfounded and rescinded.

7. The memorandum of FSC to UNS also mentions Art. 33 of the Convention Relating to the Status of Refugees. This article prohibits the expulsion or return of a refugee "to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion", save when the refugee can be regarded as a danger to the security of the country in which he is, or when the refugee has committed a particularly serious crime. As a country of expulsion for [redacted] is not yet determined we cannot see how this article applies at the present time; however, Mrs. Hoffman could certainly benefit from it if the need arose. s.19(1)

8. Our conclusion is that to expel [redacted] would be contrary to Canada's legal obligations under the Convention Relating to the Status of Refugees.

Legal Advisory Division.

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cc. file
diary
circ

UNS/R. Howard/kvb

MEMORANDUM

Mr. R. Seaborn

CONFIDENTIAL

January 14, 1972

MR. R. Howard

Administration of Refugee Convention - Input of Department of Manpower and Immigration

47-4-2 UNHCR
7 1

s.19(1)

In the March 31, 1971 memorandum from UNS on the subject of amendments regarding refugees to Canada's Immigration Legislation, it was observed that at some point it would be necessary to ask [redacted] to provide as complete documentation as exists on each case in order to facilitate this Division's consideration of the applicability of the Convention. In reviewing some of the cases which have been handled in this Division in the last nine months it would appear that at a minimum [redacted] should be asked to inform this Department;

1. as to why the person in question left his country of nationality and his reason for not wishing to return.

2. in the case of someone with a serious crime to his credit, of such information as they may have regarding the trial judge's comments on the crime and the criminal. Of particular interest would of course be any observation made by the court in the way of justifying a reduced sentence due to ameliorating circumstances surrounding the crime or the criminal. In that there must have been a deportation hearing before they approach this Department, it should not be difficult for MANDI to provide this sort of information.

3. of the source of any judgement as to the continuing danger the person may represent to the community. If we adhere to the general principle that the person in question is innocent until proven guilty, it would seem only reasonable that [redacted] could be requested to provide a professional judgement by someone such as a social worker, parole officer, judge or the like in order to request that we interpret Article 33.2 of the

.../2

s.19(1)

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Convention as excluding the subject from the protection of the Convention.

4. as to whether the individual in question has been given the opportunity to try to enter some other country than his country of nationality.

4. Clearly the effect of requesting information of this sort will be to create bureaucratic barriers to an eventual deportation, particularly if point 3 is a valid request for this Department to make. An opinion such as would be needed for point 3 would, however, assist us materially if the UNHCR did become involved, particularly if it were given by a qualified person aware of the UNHCR's definition of a danger to the community.

5. Some value might also be derived from a meeting with those officers in [redacted] responsible for Home Enforcement, deportation proceedings particularly. If they could be brought to appreciate the UNHCR's views as reported to us from Geneva, and if they were informed of such policy on refugee deportations as may exist within this Department, they might incorporate these factors into their own review process and save both Departments a fair amount of paper pushing. If they can decide internally against deportation we should have no need to input into their decision.

6. Attached is a draft of a memorandum to FLC on this subject.

R. N. HOWARD

R.N. Howard

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UNS/NT. Stewart/NVB

DRAFT MEMORANDUM

TO: FLC

CONFIDENTIAL

FROM: UNS

File: 47-4-UNHCR

SUBJECT: Information Required from the Department of Manpower and Immigration in refugee deportation cases

---

cc. FLA

The procedure which we will follow in considering refugee deportation cases is still evolving. However, one element of the process which we do feel is clear is our need for sufficient appropriate information. Our experience to date shows that each case drags on at least in part because we never seem to receive from MANDI enough evidence to evaluate the applicability of the Convention to the case.

s.19(1)

2. We would like to suggest, therefore, that [redacted] be requested to provide as a matter of course the following information on each person they wish to deport:

a) the person's reason for initial departure from his country of nationality with special emphasis on any persecution he may have faced.

b) the person's reasons for not wishing to return.

c) the reason for the order to deport.

d) in the case of those with criminal records any information throwing light on special circumstances surrounding his or her criminal acts which might tend to mitigate them. Any comments by the trial judge in this regard would be of particular interest.

e) where Article 33.2 of the Convention is to be relied upon to permit refoulement, some judgement by a competent authority (social worker, psychiatrist, judge) to the effect that having been convicted

.../2

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of a particularly serious crime, the person is a continuing danger to the community in which he lives.

f) confirmation that the person to be deported has as a refugee been given adequate opportunity to attempt entry into some other country than his country of nationality.

s.19(1)

3. In way of explanation of the need for this fairly exhaustive information, you might want to inform [redacted] that the general problems of refoulement was the subject of a recent inquiry to the UNHCR by our Mission in Geneva. The UNHCR's legal division indicated that inasmuch as the principle of non-refoulement was an essential element of asylum, the exceptions provided for in Article 33.2 of the Convention on Refugees must be very restrictvely interpreted and are to be regarded as a last resort. It would seem clear that even in the case of those who could be classed as habitual criminals, if the fate awaiting them in their country of nationality is grave, the UNHCR would want to find for the refugee and object to refoulement. It is, therefore, imperative that we be able to respond to any objection which he might raise by demonstrating that all other avenues have been thoroughly investigated and that professional opinion supports any contention by the Canadian government that the individual constitutes continuing danger to the community.

4. In that the Department of Manpower and Immigration presumably will have conducted a fairly thorough investigation before a deportation order is obtained, we would assume they would already be in possession of most of this information. Similarly before requesting our agreement

.../3

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we would assume that they would have considered these very pieces of information. It should not pose a great problem therefore for [redacted] to pass along this information.

5. We would like further to suggest that [redacted] be informed that we would regard a case for which we were not in possession of this full information as difficult to defend before the UNHCR. The consequence of this might result as often as not in our declining to agree to further deportation proceedings.

6. For their information we would suggest that you enclose copies of the material given to our Mission by the UNHCR on the problem of refoulement. We attach copies of these texts.

7. We would be grateful to receive an opportunity to comment on a draft of your letter to the Department of Manpower and Immigration on this subject.

J.E. Thibault
Director
United Nations Economic and
Social Affairs Division

s.19(1)

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FILE

UNS/R.G. Seaborn/mc

FILE DIARY CIRC

MEMORANDUM

FLC

UNCLASSIFIED

UNS

January 12, 1972

Your memorandum of October 19, 1971 and
FLA memorandum of January 7, 1972.

Deportation - [redacted]

47-1-UNHCR
cc47-8-1-3

FLA

Attached is FLA's memorandum under reference. We agree with the conclusion that to deport [redacted] would be contrary to Canada's legal obligations under the Convention Relating to the Status of Refugees. There is no doubt in our minds that [redacted] cannot be deported as she benefits from Article 32 of the Convention. In view of Geneva letter 513 of November 26, 1971 (a copy was sent to FLC) there is no need to consult the UNHCR in this case. The offence of which [redacted] has been convicted is so minor that the UNHCR if consulted would most certainly be annoyed with Canada for even thinking of deporting someone on such grounds.

J. E. THIBAULT

J. E. Thibault,
Director,
U.N. Economic and Social
Affairs Division.

s.19(1)

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MESSAGE

FILE

	PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / Nº D'ORIG.	DATE	FILE/DOSSIER	SECURITY / SÉCURITÉ
FM/DE	OTT	EXT	UNS-62	JAN10/72	47-4-UNHCR-2	RESTR

PRECEDENCE

TO/A GENEV — JAN 10 22 25 '72

INFO VIENN BGRAD

DISTR. FLC FLA GEO

REF YOURTEL 20 JAN6, OURLET UNS-1391 DEC30

SUB/SUJ PROPOSED DEPORTATION: [redacted]

YOUR JUDGEMENT ACCEPTED. NO RPT NO NEED FOR YOU TO SPEAK TO UNHCR.

s.19(1)

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. R.G. SEABORN/aw	UNS	2-5643	SIG. J.E. THIBAULT

EXT 18/BIL (REV 8/70)
7530-21-029-4012

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UNS

Mr. Bellemare on leave

file 42-4-UNHCR

R E S T R I C T E D

FM GENEV 20 JAN6/72

TO TT EXTOTT UNS DE PARIS

INFO TT VIENN DE PARIS BGRAD DE LDN

DISTR FLC FLA GEO

s.19(1)

REF YOURLET UNS1391 DEC30

---PROPOSED DEPORTATION [redacted]

AS UNS MEMO OF DEC29 CLEARLY INDICATES DEPORTATION OF [redacted] TO HUNGARY IS PRECLUDED BY REFUGEE CONVENTION.THIS IS VIEW WHICH WE WOULD CERTAINLY SHARE AND WE THEREFORE HAVE SERIOUS MISGIVINGS ABOUT APPROACHING UNHCR TO ASK THEIR VIEW SINCE THEIR OPINION IS UNDOUBTEDLY GOING TO BE EVEN STRONGER THAN OURS AGAINST [redacted] QUOTE REFOULEMENT UNQUOTE.FROM RECENT EXPERIENCE WITH YUGOSLAV REFUGEE KOMAR WHOM WE FINALLY HAD TO REPATRIATE BACK TO CDA AS WELL AS VIEWS EXPRESSED BY UNHCR IN ANSWER TO OUR INFORMAL ENQUIRY AS TO INTERPRETATION OF ARTICLES 32 AND 33 OF REFUGEE CONVENTION(SEE OURLET 513 OF NOV26/71)WE FEEL THAT BRINGING UP PRESENT CASE TO ATTN OF UNHCR AT THIS STAGE WOULD ONLY BE COUNTER-PRODUCTIVE.

061207Z 160

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File Circ Diary UNS/R. Seaborn/aw

The Canadian Embassy, VIENNA
The Permanent Mission of Canada to the Office of the United Nations, GENEVA

The Under-Secretary of State for External Affairs, OTTAWA

RESTRICTED

December 30, 1971

UNS-1391

47-4 UNHCR

Proposed Deportation, [redacted]

CNC

... We attach correspondence concerning the possible deportation of [redacted] It is possible that similar cases may arise in the near future.

FLC
FLA
GEO
Belgrade

2. For VIENNA: We would appreciate your cautiously sounding out in an informal manner the Austrian authorities as to what their attitude has been to such cases in the past and what it might be should we request a travel document from them to enable us to deport such individuals to Austria.

3. For GENEVA: We would appreciate the views of the office of the UNHCR in such cases.

J. E. THIBAULT

Under-Secretary of State
For External Affairs

s.19(1)

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cc: Under Sect. of State for
External Affairs,
Attn: Mr. J. Corbeil,
UN Division.

for new case file
SUP.
RKS

CONFIDENTIAL

OC 1560
OC 1561

HQ3-37317

Attaché, (H & I),
BEIRUT, Lebanon.

for Director General,
Foreign Service.

December 21, 1971

47-4-UNHCR
7

Nikolai GILOV and Vitali POZDNEV-
Russian "Escapees" in Turkey.

1. This will refer to our previous correspondence on the above mentioned citizens of the U.S.S.R. whose cases had been put to us by the U.N.H.C.R. representative in Turkey for consideration as possible refugees seeking admission to Canada.

Att. 2. The attached clipping from todays copy of the Toronto Globe and Mail indicates both parties have returned to the U.S.S.R. and we now consider their cases closed.

G. M. Mitchell,
Chief, Selection and Processing,
Foreign Service.

UNS

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HQ 3-37317

Toronto Globe & Mail

December 21,1971

Two hijackers back in Russia at own request

ANKARA (AP) — Two Russian students who hijacked a small plane from the Soviet Union to Turkey last year and later applied for entrance to the United States were returned to Russia yesterday at their own request.

Turkish officials handed the pair over to Soviet soldiers at a Turkish-Russian border post near the eastern city of Kars.

Vitali Pozdeyir, 25, and Nikolai Ginlov, 20, forced a small twin-engine passenger plane across the Black Sea from the Soviet city of Kerchnto to the Turkish coastal town of Sinop on Oct. 27, 1970.

The pilot and a third passenger were returned to the Soviet Union. Pozdeyir and Ginlov were placed in a refugee camp in Istanbul during investigation and processing of immigration requests.

The pair applied to enter the United States, among other countries. A U.S. official denied yesterday that the application had been refused, saying "All possibilities had not been exhausted."

About a month ago the two Russians contacted the Soviet consulate in Istanbul and expressed a wish to return to Russia, Turkish officials said.

A Russian Embassy official said the hijackers face criminal prosecution on their return, but probably only on minor charges.

Two other Soviet plane hijackers, a Lithuanian father and son who forced an airliner from Russia to Trabzon on the Black Sea coast on Oct. 15, 1970, are still in Turkey. They killed an air hostess and wounded two other members of the crew.

The Turkish Government has refused Russian requests for extradition. But the two, Pranos Brazinskas, 47, and his son Algedas, 19, face trial in Trabzon on charges arising from the hijacking and killing.

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Dec 14/71 CC FLC

& file 47-4-UNHCR
I Howard

U N C L A S S I F I E D

FM GENEV 2501 DEC10/71

TO CIC MONTREAL/R GAUVIN DE OTT

INFO BERN

DISTR GAA UNS FLA

REF YOURTEL LOG48 DEC7 TO IMMIGBERN

OFFICE OF UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)ADVISE THAT THEY HAVE RECEIVED TWO LETS NOV LAST FROM [redacted] ONE POSTMARKED CYPRUS AND THE LAST SENT FROM CDA WHEREBY UNHCR WAS REQUESTED TO PROVIDE ASSISTANCE.UNHCR WHO HAD NEVER HEARD OF THESE TWO AND HAVE NO/NO REASON TO CONSIDER THAT THEY ARE REFUGEES,INTEND TO REPLY THAT THEY CONSIDER RHODESIAN QUOTE NATLS UNQUOTE AS BEING UK RESPONSIBILITY AND THAT ANY REQUEST FOR ASSISTANCE SHOULD BE CHANELLED THROUGH BRIT.YOU MAY WISH TO CONTACT JB LANCTOT UNHCR CORRESPONDENT IN CDA THROUGH DEPT OF EXTERNAL AFFAIRS OTT.

2.WE DOUBT THAT TWO CANDIDATES WILL LIKELY COME UNDER RESPONSIBILITY OF UNHCR.UK TRADE COMMISSIONER IN MTL OR UK HIGH COMMISSIONERS OFFICE IN OTT MIGHT BE ABLE TO HELP.

101516Z 180

s.19(1)

UNS/R. Seaborn/ai
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MEMORANDUM

FLC (through FLA)

UNS

FLC's memorandum of October 25, 1971

[redacted]

UNCLASSIFIED

December 2, 1971

47-4-UNHCR

s.19(1)

7

80-14-1-GFR

We have reviewed the correspondence relating to Swetloff and the two United Nations conventions which would appear to have a bearing on the case; the UN Convention on the Reduction of Statelessness, 1961 and the UN Convention Relating to the Status of Refugees, 1951.

FLA
FPO

2. The UN Convention on the Reduction of Statelessness offers no protection to Swetloff as neither Canada nor Germany have adhered to/treaty.

/the

3. The UN Convention Relating to the Status of Refugees deals with refugees and both Canada and Germany are signatories. From the file it appears that [redacted] is a refugee from the USSR having come to Canada via Germany in 1950 when he was granted landed immigrant status.

4. The Refugee Convention is aimed primarily at countries which have refugees already within their borders and attemps to establish means of ensuring their future safety and guaranteeing their newly acquired rights. We note from the file that the UNHCR has yet to learn of [redacted] predicament. We doubt however that the Refugee Convention could afford him much protection in this instance. It would be difficult to maintain that his deportation even against his will on the grounds of fraudulent entry constituted a breach of article 33(1) of the Convention. Indeed his return to Canada where he may face charges of fraudulently obtaining identification documents could not be equated with fear of persecution.

5. We would therefore see no objection to [redacted] return to Canada flowing from our obligations under the Refugee Convention. With regard to paragraph 2 of your memorandum under reference your decision to readmit [redacted] to Canada should not be dependent on the advisory opinion which we have sought from the UNHCR. However we would wish to reexamine any subsequent proposal to deport him

.../2

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from Canada in the light of any comments we may receive from Geneva as well as against a humanitarian interpretation of our obligations under the Refugee Convention.

6. In view of our preceeding comments and in light of the FLA memorandums of May 14 and May 3, 1971 we think that the Department should be prepared to issue an appropriate emergency travel document to [redacted] should the German authorities still wish to deport [redacted] to Canada. However, before replying to the Germans (their Note Verbale of February 16, 1971) you will need to have confirmation from the Department of Manpower and Immigration that [redacted] will be admitted to Canada. We would look ridiculous if we issued a travel document and then refused entry. The Germans would not be pleased either and might refuse to take back such a stateless person. -Once agreement is obtained from M&I to admit [redacted] if he is deported to Canada by Germany we can then approach the German authorities. We would suggest that we tell the Germans that if they deport [redacted] we are prepared to accept him and to issue an appropriate travel document but that we assume the Germans would pay for travel costs to the Canadian port of entry. For any approach to the Germans FLA might wish to provide appropriate wording for a Note Verbale. We understand from FLA that there is no legal impediment to accepting [redacted] if he is deported to Canada even if he does not wish to be deported here.

7. There are several aspects of the case which are not clear from the file. We do not know whether [redacted] is still in prison. Is he or is he not wanted by the police in Canada? The letter of Septemver 23, 1970 to M&I and telegram FCN 2747 of June 30, 1970 to Bonn differ on this matter. Should [redacted] contest his alleged loss of Canadian domicile, we wonder how much weight would be given by a Canadian court to a statement obtained from [redacted] while in a German jail to the effect he had the intention of settling permanently in Germany.

J. E. THIBAULT

J.E. Thibault
Director
UN Economic & Social Affairs Division

s.19(1)

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EXTERNAL AFFAIRS

AFFAIRES EXTÉRIEURES

TO / À: The Under-Secretary of State for External Affairs, OTTAWA

FROM / De: Permanent Mission of Canada to the United Nations, GENEVA

SECURITY / Sécurité: CONFIDENTIAL

DATE: November 26, 1971

NUMBER / Numéro: 513

REFERENCE / Référence: Yourtel UNS-1073 of Oct. 18 and ourtel 2264 of Oct. 26

SUBJECT / Sujet: UNHCR: Refugee convention

FILE / DOSSIER
OTTAWA: 47-4-UNHCR
MISSION: 47-1-HCR

ENCLOSURES / Annexes: 3

DISTRIBUTION

FLA

FLC

The Legal Division of the UN HCR has finally provided us with some material concerning the interpretation of article 33.2 of the 1951 convention relating to the Status of Refugees. They have sent us the following texts which constitute the three annexes to this letter:

(1) A note on the interpretation of the term " a particularly serious crime", based on the "travaux préparatoires" to the 1951 convention;

(2) A note giving the views of this Office on the interpretation of this term, based on the "travaux préparatoires" to the 1951 Convention and the practice of Governments;

(3) A brief summary of the practice of certain states in applying these provision.

As will be seen by these attachments, it is rather difficult for UNHCR to give an enumeration of offences which are "particularly serious crimes". Some offences are clearly of such a minor character that there can be no question of Article 33.2 being applicable. Conversely, there are crimes which are of such a serious nature as prima facie to justify the application of the provision. Even here, however, it is necessary to have regard to all the circumstances of the case before arriving at a final conclusion. According to Mr. O. Bayer, head of UNHCR's Legal Division, three points call for particular mention in the present connexion:

Firstly, since Article 33.1 embodies the principle of non-refoulement which is an essential element of asylum, the exceptions provided for in paragraph 2 of the Article must be very restrictively interpreted and should be applied as a last resort.

Secondly, most systems of municipal law contain a classification of offences according to their seriousness, e.g. felonies and misdemeanours in Anglo-Saxon law, and "crimes" and "delits" in

.../ 2

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French law. Whether a particular offence is to be considered "particularly serious" must not, however, be determined purely in the light of any classification adopted under municipal law - which may vary from country to country - but according to the meaning of the term used in Article 33.2 of the Convention.

Thirdly, in applying Article 33.2 regard must be had not only to the nature of the offence, but also to whether a refugee who has been convicted of a "particularly serious crime" constitutes a danger to the community. This latter requirement makes it necessary to consider both the circumstances in which the offence was committed (e.g. even a capital crime of murder would not necessarily justify the expulsion of a refugee if extenuating circumstances such as provocation exist) and the possibility of rehabilitation. It should not be overlooked that a refugee has already received appropriate punishement for the offence committed and the question whether he should be subjected to the additional penalty of being returned to his country of origin must be determined in the light of the case as a whole, the nature of the offence, the circumstances in which it was committed, the chances of rehabilitation and general considerations of equity.

2. The opinion of UNHCR's Legal Division have brought us the following thoughts. Article 35 of the Convention as well as article 2 of the Protocol indicate that the Office of the UNHCR is entrusted with the "duty of supervising the application of the provisions" of the Convention and Protocol. In its role of protector of the refugees, the Office will tend to interpret on the Convention as strictly as possible and it is to be expected that on border line cases it will side with the refugee about to be expelled. Canada upon acceeding to the Convention and Protocol relinquished part of its sovereignty over the refugees on its territory and agreed to treat them in accordance with the provisions of the Convention. The principle of "non-refoulement" of the refugees as well as the exception to it contained in article 33.2 of the Convention should be embodied in Canadian municipal legislation. Naturally, it will be the responsibility of the Canadian authorities to decide in the first instance whether a refugee has been convicted of a crime serious enough to warrant his expulsion. It is when the Office of the UNHCR does not agree that the expulsion order is justified that difficulties arise. But, according to article 35 of the Convention the Parties to the Convention are under obligation to cooperate with the Office of the UNHCR in the exercize of its functions. This brings us to conclude that, in the final analysis, the Parties might find it difficult to expel a refugee on the basis of article 33.2 of the Convention if UNHCR does not agree that the crime committed is not a "particularly serious one".

for Permanent Mission

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ENCLOSURE 1

Note on the interpretation of Article 33(2) : Meaning of the term "particularly serious crime"

1. In the drafts submitted to the Ad Hoc Committee on Refugees and Stateless Persons the exceptions provided for in Article 33(2) had not been included: at the conclusion of its first session, the Ad Hoc Committee agreed that the present Article 33 should consist of only one paragraph which read as follows:

> "No Contracting State shall expel or return in any manner whatsoever a refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or political opinion." /E/1618, E/AC/32/5, page 23/

At the second session of the Committee the possibility of making provisions for exceptions to the principle expressed in Article 33(1) was discussed but no concrete proposals were made. The delegate of Israel, MR. ROBINSON, stated, however, his view on the principle involved:

> "The basic idea behind Article 28 (33) was that in some circumstances the greater possible evil for a refugee was to be returned to his country of origin. Governments were to be able to seek for some remedy in cases where an individual was a public nuisance but they were not to send him back to the country where death awaited him."
>
> /E/AC.32/SR.40, page 32/

It was only at the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons that exceptions to the principle of non-return were formally proposed, by means of a joint amendment presented for consideration by the delegates of the United Kingdom and France in which an additional paragraph was suggested as follows:

> "The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is residing, or who, having been lawfully convicted in that country of particularly serious crimes or offences, constitutes a danger to the community thereof."
>
> /A/CONF.2/69/

In defending the proposal which, after revision, became Article 33(2), the delegate of the United Kingdom, MR. HOARE, stated that the drafters of the additional paragraph:

> " ... had sought to restrict its scope, so as not to prejudice the nature of the Article as a whole. It must be left to States to decide whether the danger entailed to refugees by expulsion outweighed the menace to public security that would arise if they were permitted to stay ..."
>
> /A/CONF.2/SR.16, page 5/

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As has been noted, the wording of the original draft amendment had referred to those who had "been lawfully convicted... of particularly serious crimes or offences". During the debate, the delegate of the United Kingdom, MR. HOARE, stated that he agreed to the deletion of the term "lawfully".

> "The word 'convicted' could stand because it implied final conviction, sometimes after appeal or after the term of appeal had expired."
>
> [A/CONF.2/SR.16, page 14]

He further suggested that the words "or offences" should be deleted from the English text.

2. During the ensuing debates, the advisability of broadening the suggested exceptions to the principle of non-return was discussed. MR. THEODOLI (Italy) proposed:

> " ... that the words ' or having been declared by the Court a habitual offender' should be inserted in the joint amendment immediately after the words 'crimes or offences', in order to provide for the case of habitual criminals."

MR. HOARE (United Kingdom) stated in response that he:

> " ... hoped that the scope of the joint amendment would not be unduly widened. Although he appreciated the intention behind the Italian proposal, he wished to point out that to be classified by the courts as a hardened or habitual criminal, a person must have committed either serious crimes, or an accumulation of petty crimes. The first case would be covered by the joint amendment and he was quite content to leave the second outside the scope of the provision."
>
> [A/CONF.2/SR.16, pages 16 & 17]

3. No additional debate on the substance of the present Article 33 took place and, after slight revision by the Style Committee, the Article was adopted in its present form.

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ENCLOSURE 2

"Article 33, paragraph 2 is an exception to the basic rule laid down in Article 33, paragraph 1 and must, therefore, be interpreted restrictively. Article 33, paragraph 2 is a corollary to Article 1 F b of the Convention. A person who has committed a serious non-political crime outside the country of refuge prior to his admission, particularly in his country of origin, is not considered as a bona fide refugee and therefore not entitled to the benefits of the Convention. If a refugee is convicted by final judgment of a particularly serious crime in his country of asylum the situation must be similar in order to allow application of Article 33, paragraph 2. ..... (Repatriation must only be applied as a last resort where no other measures appear possible to prevent the person from endangering the community. The decision must, therefore, depend on the merits of the case. The offence must normally be a capital crime (murder, arson, rape, armed robbery, etc.) but it is not possible to establish a list of such crimes because according to general principles of criminal law, not the crime but the criminal must be punished. What constitutes an offence permitting forcible repatriation in one case may not be such an offence in another case because of the circumstances of the crime and the character of the criminal. Only where one or several convictions are symptomatic of the basically criminal, incorrigible nature of the person and where any other measure (detention, assigned residence, resettlement in another country) are not practical to prevent him from endangering the community may repatriation be resorted to.

"In short, Article 33, paragraph 2 should only be applied where the conduct (in the case of criminal conduct as evidenced by final convictions) of a person is such that it overrides his character as a bona fide refugee."

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ENCLOSURE 3

SUMMARY OF STATE PRACTICE

The legislation of States parties to the 1951 Convention does not normally define the circumstances in which Article 33.2. is applicable. The following are some examples of the legislation and/or practice of certain States in regard to this provision.

AUSTRALIA — The competent Australian authorities inform the UNHCR Branch Office of the intended deportation of persons who may be refugees; it gives the Branch Office the possibility of stating its views on the question of refugee status and the application of Article 33.2.

AUSTRIA — According to paragraph one of the Austrian Law of 1968 (BGBl. 1968 No.35) concerning the right of residence of refugees, the competent authority is entitled to determine whether there are serious grounds for considering that a refugee constitutes a danger to the security of the nation. In the alternative the authority will consider whether a refugee, having been convicted of a crime punishable with more than five years' severe emprisonment, constitutes a danger to the community (Article 33.2. of the 1951 Convention). The UNHCR Branch Office is given the possibility of stating its views before a final decision is reached concerning expulsion.

BELGIUM — Before a refugee can be expelled by the Ministry of Justice it is necessary to seek the opinion of the "Commission Consultative des Etrangers", a permanent tribunal composed of a judge, an attorney and an experienced social worker chosen by the refugee. According to Article 3 of the Royal Decree of 18.6.1964 the representative of UNHCR in Belgium is entitled to give an opinion to the Commission on a question of expulsion. In the last few years the number of cases in which refugees have been returned to their country of origin has been extremely small.

DENMARK — According to our information, Denmark does not expel refugees to their country of origin.

FRANCE — Refugees are not formally expelled but are assigned to residence in a specific area where they are given the possibility of earning a livelihood, subject to such police controls as are necessary.

./.

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GERMANY

Article 14 of the German Aliens Law (BGBl. 1965, No.19) of 1965 reproduces the wording of Article 33.2. of the 1951 Convention leaving the implementation of the provision to the competent authorities subject to review by the Courts.

NETHERLANDS

Article 22 (2) of the Aliens Law, and the Royal Decree implementing that law protect refugees against expulsion or return to a country where they would have to fear persecution. According to our information, the Netherlands does not expel refugees to their country of origin.

SWITZERLAND

According to our information, Switzerland does not expel refugees to their country of origin.

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ACTION COPY

UNS

47-4-UNHCR

R E S T R I C T E D

FM GENEV 2264 OCT26/71

TO TT OTT EXT UNS DE PARIS

DISTR FLA FLC

---UNHCR REFUGEE CONVENTION

HAVE ONLY BEEN ABLE TO SEE UNHCR LEGAL OFFICERS TODAY AND THEY WILL REQUIRE LITTLE TIME BEFORE THEY CAN COME UP WITH BACKGROUND INFO AND INTERPRETATIONS YOU REQUIRE.THEY INSIST HOWEVER THAT EACH CASE HAS TO BE CONSIDERED ON ITS OWN MERITS AND THAT IT REMAINS RATHER DIFFICULT TO EXPAND ON MEANING OF ARTICLE 33(2).IT IS MORE THAN LIKELY THEY WILL AGREE THAT CONVICTION OF MURDER,ATTEMPTED MURDER OR ARMED ROBBERY DO CONSTITUTE QUOTE A PARTICULARLY SERIOUS CRIME UNQUOTE.HOWEVER THEY GAVE AS AN EXAMPLE CASE OF PERSON WHO KILLS IN MOMENT OF PASSION WHICH IS LATER RECOGNIZED BY COURT AND RESULTS IN ONLY LIGHT SENTENCE.ONE VIEW WOULD BE THAT THIS IS NOT/NOT KIND OF PARTICULARLY SERIOUS CRIME ENVISAGED BY CONVENTION SIMILARLY UNHCR LEGAL OFFICERS ARE LIKELY TO SAY THAT PERSON HAVING SERVED FULL SENTENCE OR HAVING BEEN PAROLED FOR GOOD BEHAVIOUR DOES NOT/NOT NECESSARILY REMAIN A DANGER TO COMMUNITY.

2.ABOVE VIEWS WERE OF COURSE VERY PRELIMINARY AND WE WILL REPORT AS SOON AS WE HAVE MORE COMPLETE EXPLANATIONS WHICH UNHCR LEGAL OFFICERS HAVE PROMISED US.

261558Z

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file

UNS/Jacques Corbeil/al

MEMORANDUM

FLC

CONFIDENTIAL

UNS

October 20, 1971

M&I Letter of September 13

[redacted]

424-UNHCR
7-1

We have made a thorough study of the application for permanent residence made by [redacted] in light of our adherence to the 1951 Refugee Convention and the comments made by FLA and GAM. As a result we suspect that [redacted] has a prima facie right to claim refugee status on the basis of a "well-founded fear of being persecuted for reason of race". We also think a strong case could be made under other grounds enumerated in article 1.A(2) viz "nationality" and "membership of a particular social group or political opinion".

FLA
GAM

2. [redacted] arrived in Canada in possession of two valid travel documents, one, a Yemen Arab Republic (North Yemen) passport and the other a United Kingdom and Colonies passport. The immigration authorities have asked us to address ourselves to the question of the validity of [redacted] claim that he would be persecuted should he return to his home country and to disregard the fact that he does have a UK&C travel document.

3. [redacted] was born and raised in the British Protectorate of Aden which has since become the independent state of Yemen (South Yemen). To our knowledge [redacted] has no direct connection with North Yemen except that he resided there for a period of three years and that he acted as an informer on behalf of the British authorities and in this capacity reported on the activities of FLOSY in both North and South Yemen. This might explain his possession of a North Yemen travel document which could have been used to facilitate his movements between the two countries and which was probably obtained either through subterfuge or through the complicity of the British authorities. In view of the short duration of his stay in North Yemen it could be assumed that his travel document is nothing more than "un passeport de complaisance".

s.19(1)

.../2

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CONFIDENTIAL

4. As his name would indicate, [redacted] is of mixed racial stock being issue of an Arab mother and an Islamic Indian father whose grandfather was brought to Aden by the British to serve in the local police forces. Under new legislation [redacted] racial origin denies him any right to citizenship in South Yemen. The legal advisor of the UNHCR has confirmed that under the new restrictive legislation of South Yemen, [redacted] would have no claim to citizenship and that therefore the provisions of the Refugee Convention would prevent his being returned to that country (cf Genev tel 1917 Sep 10).

5. In summary there is a strong presumption of persecution for reason of race particularly since the claimant is of Indian origin and those currently in authority in South Yemen pursue a policy of active discrimination of all non-Arab peoples. We understand that this discriminatory policy would be applied against [redacted] even if he is of mixed stock. To strengthen our conclusion about the active discriminatory policy of the Souty Yemeni authorities we would point out that the current régime has in fact disenfranchised all non-Arab.* Furthermore [redacted] s.19(1) through his father and his immediate forefathers before him, is a member of a social group which is associated with the traditional occupation of Indians in Aden of policing the local Arab population. Another point worth noting is that the activities of the claimant in acting as an informer on behalf of the British authorities in gathering intelligence on underground activities in both Yemens is a further element which could expectedly contribute to his receiving harsh treatment at the hands of the Yemeni authorities. These activities on behalf of the British authorities can indeed be related to his "membership" of a particular political opinion and provide further argument for his inclusion within the definition of the term "refugee" as provided for by article 1.A(2).

6. You may wish to advise the Immigration authorities accordingly.

J. E. THIBAULT

J.E. Thibault
Director
UN Economic & Social Affairs Division

* persons including those of mixed stock.

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47-4-UNHCR

R E S T R I C T E D

FM OTT EXT UNS1073 OCT18/71

TO TT GENEV IMMED DE PARIS

DISTR FLA FLC

---UNHCR:REFUGEE CONVENTION

SINCE CDN RATIFICATION OF ABOVE TREATY WE HAVE RECEIVED NUMBER OF REQUESTS FROM MANDI CONCERNING POSSIBLE DEPORTATION OF REFUGEES ADMITTED TO CDA.MANDI CLAIM THAT REFUGEES IN QUESTION CAN NO/NO LONGER ENJOY PRIVILEGES OF 1951 REFUGEE CONVETION BECAUSE THEY HAVE COMMITTED SERIOUS CRIME.FATE OF THESE REFUGEES DEPENDS ON INTERPRETATION TO BE GIVEN TO ART 33(2)OF CONVENTION WHEREBY CONTRACTING STATE MAY EXPEL OR RETURN REFUGEE QUOTE WHO,HAVING BEEN CONVICTED BY A FINAL JUDGMENT OF A PARTICULARLY SERIOUS CRIME, CONSTITUTES A DANGER TO THE COMMUNITY UNQUOTE.

2.AS A NUMBER OF CASES ARE STILL PENDING GRATEFUL IF YOU COULD INFORMALLY RAISE QUESTION WITH UNHCR LEGAL OFFICERS AND ASK IF THEY HAVE ANY INFO ON INTENTION OF LEGISLATORS REGARDING THIS ART OR EXPERIENCE IN INTERPRETING ITS FULL IMPLICATIONS.IN PRACTICAL TERMS IT WOULD BE USEFUL TO LEARN(A)IF CONVICTION OF MURDER,ATTEMPTED MURDER OR ARMED ROBBERY CONSTITUTE QUOTE A PARTICULARLY SERIOUS CRIME UNQUOTE AND(B)WHETHER PERSON CONVICTED OF SERIOUS CRIME HAVING COMPLETED HIS FULL SENTENCE OR HAVING BEEN PAROLED FOR GOOD BEHAVIOUR REMAINS A QUOTE DANGER TO COMMUNITY UNQUOTE.

1821272

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c.c. File HQ 3-37317
c.c. File HQ 3-37316
c.c. U.S. of State for External Affairs.
Attn: Mr. J. Corbett, UN Division.

TO: UNS
FROM: ACRO
DATE: OCT 20 1971
ATTN: Mr. Corbett

CONFIDENTIAL

Director General,
Foreign Service.

Director, Programs and Procedures Branch

October 18, 1971.

47-4-UNHCR
7

[redacted]

Russian "Escapees" in Turkey

1. The memorandum from your Visa Attaché in Beirut of September 24 last refers.

2. It is noted that there is a possibility that these persons are in fact "hijackers" of a civilian aircraft, although the UNHCR correspondent says, "this interpretation is extremely contestable". s.19(1)

3. With regard to dealing with these persons as refugees Article 1F of the Convention, as outlined in C.M.17, requires careful consideration. As you will note the provisions of the Refugee Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

4. As there can be little doubt that Aerial Hijacking is a serious non-political crime, the two subjects may be excluded under (b).

5. As Aerial Hijacking was condemned "without exception whatsoever" by the General Assembly of the United Nations in Resolution 2645 (see attached copy) they may also be excluded under (c). Canada supported this Resolution.

...2

UNS

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6. As there is a Convention for the Suppression of Unlawful Seizure of Aircraft (copy of which is attached) there is the additional possibility of their being excluded under (a) as having committed a crime against humanity as defined in an international instrument. It is expected that Canada will shortly become a signatory to this Convention.

7. Before a final decision is made on the applicability of the foregoing to the two escapees in question it will be necessary to examine the details of the incident in the light of both the UN Resolution and the Convention.

8. Needless to say, pending completion of such an examination, any action which might encourage an application for admission to Canada by either of the escapees or any reference to their being considered refugees should be carefully avoided.

ORIGINAL SIGNED BY
J.S. CROSS

Enc.

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MESSAGE FILE

	PLACE / LIEU	DEPARTMENT / MINISTÈRE	ORIG. NO. / N° D'ORIG.	DATE	FILE/DOSSIER		SECURITY / SÉCURITÉ
FM/DE	OTT	EXT	UNS-1073	OCT18/71	47-4-UNHCR 7	-	RESTR

	PRECEDENCE
TO/A GENEV	IMMED
INFO	OTT 18 71 17 2
DISTR. FLA FLC	

REF

SUB/SUJ UNHCR: REFUGEE CONVENTION

SINCE CDN RATIFICATION OF ABOVE TREATY WE HAVE RECEIVED NUMBER OF REQUESTS FROM M&I CONCERNING POSSIBLE DEPORTATION OF REFUGEES ADMITTED TO CDA. M&I CLAIM THAT REFUGEES IN QUESTION CAN NO RPT NO LONGER ENJOY PRIVILEGES OF 1951 REFUGEE CONVENTION BECAUSE THEY HAVE COMMITTED SERIOUS CRIME. FATE OF THESE REFUGEES DEPENDS ON INTERPRETATION TO BE GIVEN TO ART 33(2) OF CONVENTION WHEREBY CONTRACTING STATE MAY EXPEL OR RETURN REFUGEE QUOTE WHO, HAVING BEEN CONVICTED BY A FINAL JUDGMENT OF A PARTICULARLY SERIOUS CRIME, CONSTITUTES A DANGER TO THE COMMUNITY UNQUOTE.

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...2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. JACQUES CORBEIL/aw	UNS	2-5643	SIG. J.E. THIBAULT

EXT 16/BIL (REV 6/70)
7530-21-029-4012

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RESTRICTED

SERIOUS CRIME UNQUOTE; AND (B) WHETHER PERSON CONVICTED OF SERIOUS CRIME HAVING COMPLETED HIS FULL SENTENCE OR HAVING BEEN PAROLED FOR GOOD BEHAVIOUR REMAINS A QUOTE DANGER TO COMMUNITY UNQUOTE.

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Document divulgué en vertu de la Loi sur l'accès à l'information

Classify / d'entrée / de référence / au Cda / UNHCR

42-4-UNHCR
F 1 -

U N C L A S S I F I E D

FM WSHDC 3324 OCT13/71

TO OTT EXT FLO

INFO MOTOTT

DISTR UNS ECT

---CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT HAGUE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT SIGNED DEC16/70 WILL ENTER INTO FORCE OCT14 FOR JPN, BULGARIA,SWEDEN,COSTARICA,GABON,HUNGARY,ISRAEL,NORWAY,SWITZERLAND, USA AND ECUADOR.IT WILL ENTER INTO FORCE FOR THE USSR ON OCT24 AND FOR MALI OCT29.

132158Z

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DEPARTMENT OF EXTERNAL AFFAIRS

CANADA

MINISTÈRE DES AFFAIRES EXTÉRIEURES

47-4-UNHCR File
7 QUOTE FILE NO. RÉFÉRER AU DOSSIER

Returned no longer at address

OTTAWA, September 2, 1971.
KLA OG2

s.19(1)

Dear Mr. Atkins,

On behalf of the Secretary of State for External Affairs, I wish to reply to your letter of April 19 concerning the case of [redacted]

The situation of [redacted] has been reviewed, bearing in mind his circumstances and his possession of U.N. travel documents and identity papers. The United Nations Convention Relating to the Status of Refugees defines in Article 1 A(2) a refugee to be one who

> "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or owing to such fear, is unwilling to return to it."

Unfortunately, on the basis of the letter we now have from [redacted] forwarded by you, there appears to be insufficient evidence to determine whether or not he might come under the provisions of the Convention. In order that [redacted] situation can be examined in further detail, he would need to present a request to the Canadian Government, providing information for support of this request. The most expeditious procedure is for him to apply to the Attaché, Visa Office, Canadian Embassy, Beirut, Lebanon as was suggested to you by Mr. Latimer of the Office of the Minister of Manpower and Immigration in his January 11 letter.

I regret the delay in replying to your letter, and to facilitate consideration of [redacted] application, I have arranged for copies of this correspondence to be forwarded to the Embassy in Beirut.

ILNS

M. Lagace
for Under-Secretary of State
for External Affairs

Mr. C. Atkins, estudiante
Universidad de las Américas
Apartado Postal, 507
Puebla, Pue., Mexico

Document disclosed under the *Access to Information Act* -
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FLA/L.L. Herman/mkh/sjk

EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

MEMORANDUM

TO / À: UNS

FROM / De: FLA

REFERENCE / Référence:

SECURITY / Sécurité: RESTRICTED

DATE: August 11, 1971

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA 47-4-UNHCR
MISSION

SUBJECT / Sujet: [redacted] - Refugee from South Africa now living in Kenya and seeking admission to Canada

ENCLOSURES / Annexes

DISTRIBUTION

GAA

FLC

Following your oral request of August 3, 1971, we have reviewed the case of [redacted] and the applicability thereto of the Convention Relating to the Status of Refugees (Geneva, 1951).

2. From the facts which are provided in the material supplied to us we regret that we are unable to proceed very far in preparing a purely legal opinion. We can, however, provide you with our preliminary views of the matter but it is important to recognize that any action should only be taken when we are in full possession of all the facts.

3. As you may be aware, the definition of the term "Refugee" is found in Article I of the said Convention which states, inter alia, that for the purposes of the Convention the term "Refugee" shall apply to any person who:

> "(2) Owing to well-founded fear of the persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country ...".

4. Needless to say the initial consideration is whether [redacted] would fit within the terms of Article I(2), but at this point the facts are unclear as to whether in fact [redacted] holds a well-founded fear of being persecuted because of his race upon his return to South Africa. You will appreciate that in the absence of evidence in this regard and in the absence of any material from [redacted] indicating the same, it is impossible to state definitively whether or not [redacted] comes within the terms of the Convention. The only information which we appear to have received is from [redacted] and the facts related by [redacted] are insufficient basis on which to found a legal opinion.

s.19(1)

Ext. 407A/Bil.

Document disclosed under the *Access to Information Act* -
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RESTRICTED

5. We cannot disagree with the advice conveyed to Mr. Robert Major, M.P., through R.G. Latimer, Administrative Assistant to the Minister of Manpower and Immigration, in his letter of January 11, 1971. As we understand it the best method for obtaining information would be through the Canadian Immigration Office and the most expedient method for obtaining this information would in our view be for [redacted] to contact our Immigration Officers as suggested /our in Mr. Latimer's letter. Upon contacting/Immigration Office should [redacted] indicate that he wishes to apply for refugee status the matter will then be considered by an interdepart- s.19(1) mental Committee which deals with the eligibility of individuals under the Convention. Since this question is largely a consular matter we would suggest that your Division would consult with Consular Division, the Head of Consular Division also being this Department's representative on the Inter-departmental Committee.

6. With respect to the question of asylum, Canadian policy is not to recognize or grant the right of political asylum. What occurs in practise is that the Minister of Manpower and Immigration will, in certain instances, allow a person who has not applied with immigration procedures to remain in Canada under special permit. This is a matter entirely within the discretion of the Minister of Manpower and Immigration but in any event it would appear to us that the question of political asylum at this stage would not be pertinent to [redacted]

complied

7. As a final note we would recommend that pending a complete review of this question Mr. Atkin's letter of April 19, 1971, be acknowledged.

Legal Advisory Division

--- P.S. Attached hereto is the material which Mr. Howard left with Mr. Herman of this Division.

Document disclosed under the Access to Information Act -
Document divulgué en vertu de la Loi sur l'accès à l'information

EXTERNAL AFFAIRS | AFFAIRES EXTÉRIEURES

MEMORANDUM

TO / À: UNS

FROM / De: PLA

REFERENCE / Référence:

SUBJECT / Sujet: [redacted]

SECURITY / Sécurité: RESTRICTED

DATE: August 11, 1971

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA 47-4-UNHCR
MISSION

ENCLOSURES / Annexes:

DISTRIBUTION:

GAA

FLC

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2. From the facts which are provided in the material supplied to us we regret that we are unable to proceed very far in preparing a purely legal opinion. We can, however, provide you with our preliminary views of the matter but it is important to recognize that any action should only be taken when we are in full possession of all the facts.

3. As you may be aware, the definition of the term "Refugee" is found in Article I of the said Convention which states, inter alia, that for the purposes of the Convention the term "Refugee" shall apply to any person who:

s.19(1)

> "(2) Owing to well-founded fear of the persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country ...".

4. Needless to say the initial consideration is whether [redacted] would fit within the terms of Article I(2), but at this point the facts are unclear as to whether in fact [redacted] holds a well-founded fear of being persecuted because of his race upon his return to South Africa. You will appreciate that in the absence of evidence in this regard and in the absence of any material from [redacted] indicating the same, it is impossible to state definitively whether or not [redacted] comes within the terms of the Convention. The only information which we appear to have received is from [redacted] and the facts related by [redacted] are insufficient basis on which to found a legal opinion.

Ext. 407A/Bil.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

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s.19(1)

6. With respect to the question of asylum, Canadian policy is not to recognize or grant the right of political asylum. What occurs in practise is that the Minister of Manpower and Immigration will, in certain instances, allow a person who has not applied with immigration procedures to remain in Canada under special permit. This is a matter entirely within the discretion of the Minister of Manpower and Immigration but in any event it would appear to us that the question of political asylum at this stage would not be pertinent to [redacted]

complied

7. As a final note we would recommend that pending a complete review of this question [redacted] letter of April 19, 1971, be acknowledged.

Legal Advisory Division

--- P.S. Attached hereto is the material which Mr. Howard left with Mr. Herman of this Division.

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

cc: PSI
UNS(Mr. Corbeil)
FLA
GEA

FLC/ASHAW/mm

Mr Howard
Do not forget
file

47-4-UNHCR
Howard

47-4-UnHCR
7 | -

OTTAWA, August 9, 1971

s.19(1)

Quote File No: 83-11-1-HUNG
Your File: HQL-47825

The Deputy Minister,
Department of Manpower and Immigration,
Bourque Building,
Rideau Street,
O t t a w a

Attention: Chief Enforcement Division
Home Services Branch,
Canada Immigration Division.

Re: [redacted]

Before we take up this case again with the Hungarian Embassy, it would be appreciated if you would review your records with a view to determining whether [redacted] should be considered a refugee.

Your letter of July 27, 1966, indicates that [redacted] received an immigrant visa in Vienna in 1957 and although he had a Hungarian travel document at that time, it seems unlikely that the document was valid for residence abroad since it is likely that he would have received his visa at the British Embassy in Budapest if he were emigrating legally. The fact that his visa was issued in 1957 also suggests that he may have been a refugee in Austria when he applied for admission to Canada.

We will withhold further action until we hear from you.

E. A. GILMOUR

Under-Secretary of State
for External Affairs.

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Document divulgué en vertu de la Loi sur l'accès à l'information

Consular/JMSiegrist/sy

Quote File 83-11-1-HUNG

s.19(1)

C-752

The Department of External Affairs presents its compliments to the Embassy of the Hungarian People's Republic and has the honour to refer to the Department's Note No. C-769 of February 8, 1967, concerning [redacted] who is under order of deportation.

The Department would be grateful to know whether the Hungarian authorities have agreed to issue a travel document to [redacted] so that his deportation order may be carried out as soon as possible.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the Hungarian People's Republic the assurances of its highest consideration.

OTTAWA, February 16, 1968

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Consular/JMSiegrist/sy

s.19(1)

OTTAWA, ~~February 16, 1968~~

Quote File 83-11-1-HUNG

17 27

Chief Enforcement Officer
Home Branch
Canada Immigration Division
Department of Manpower & Immigration
D T T A W A

In reply to your letter of February 13, 1968, concerning [redacted] (your file HQ1-47825), I would like to inform you that a further Note was dispatched today to the Hungarian Embassy. We have not received a reply to our Note of February 8, 1967.

[redacted]

Under-Secretary of State
for External Affairs

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DEPARTMENT OF MANPOWER AND IMMIGRATION

CANADA

MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

OUR FILE NO. Notre dossier nº HQ1-47825

Ottawa 2, February 13, 1968.

Under Secretary of State for
External Affairs,
Ottawa, Ontario.

83-11-1-HUNG
5 27

s.19(1)

Re: [redacted]
Your reference 83-11-1-HUNG.

This is further to my letter of February 3, 1967, concerning the subject.

Are you now in a position to inform me as to whether or not the Hungarian authorities are prepared to issue Mr. Pasztor a travel document.

for Chief Enforcement Officer,
Home Branch,
Canada Immigration Division.

TO: MM Sequeira
FROM REGISTRY
FEB 14 19[illegible]
FILE CHARGED
TO:

Note c-15r
to enq. dft.
16 Feb 68/MM

M. & I. 164

CAN000271

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

Consular - C.T.S./S. François/al

File: 83-11-1-HUNG

4

No. C-262

s.19(1)

The Department of External Affairs presents its compliments to the Embassy of the Hungarian People's Republic and has the honour to refer to the Embassy's Note No. 199/1966 of September 29, 1966, concerning [redacted] who is under order of deportation.

[redacted] has refused to sign the completed application forms for a travel document which are returned herewith. It is, however, doubtful that he will become satisfactorily established in Canada and the Canadian authorities wish to proceed with his deportation.

The Department would be grateful to learn whether the Embassy is prepared to issue a suitable travel document to Mr. Pastor to enable him to return to Hungary.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the Hungarian People's Republic the assurances of its highest consideration.

ALASTAIR NAPIER

OTTAWA, February 8, 1967.

Document disclosed under the *Access to Information Act* -
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF MANPOWER AND IMMIGRATION

CANADA

MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

FROM REGISTRY
FEB 7 1967
FILE CHARGE OUT
TO:

OUR FILE NO. Notre dossier nº HQ1-47825

Ottawa 2, February 3, 1967.

83-11-1-HUNG
8 | 15

The Under-Secretary of State for
External Affairs,
Ottawa, Ontario.

Re: [redacted]
Your File 83-11-1-HUNG

This is in reference to your letter of October 4, 1966.

Although [redacted] was co-creative and answered all questions asked of him by our officer very readily, he did not wish to complete the forms furnished by you as he does not wish to return to Hungary. Nevertheless, as we wish to deport him, we had the forms completed from information available to us, and although they were not signed by [redacted] they are enclosed herewith for referral to the Hungarian authorities.

Encls.

According to [redacted] he was born at Nyiregyhaza, Hungary, on November 7, 1938. His father is also named [redacted] and resides in Hungary along with his mother, [redacted], and his brother, [redacted]. His only relatives here are two sons of his father's sister, [redacted] stated to be residing in Montreal, Quebec. [redacted] attained a Grade 8 education in the village of his birth.

Will you kindly let me know in due course whether the Hungarian authorities will accept [redacted] as a deportee, and issue a travel document to enable us to proceed with his removal.

s.19(1)

A. S. Vass,
for Chief Enforcement Officer,
Home Branch,
Canada Immigration Division.

M. & I. 164

1867 000273
CAN.

Page 274

is withheld pursuant to section

est retenue en vertu de l'article

19(1)

of the Access to Information Act

de la Loi sur l'accès à l'information

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

Consular Div./D. McCue/mar

Quote file: 83-11-1-HUNG

41

Ottawa, October 4, 1966.

Chief, Enforcement Division,
Special Services,
Immigration Branch,
Department of Citizenship & Immigration,
O t t a w a.

s.19(1)

re: [redacted]

We refer to your letter of July 27, 1966 concerning the deportation of the above-named to Hungary.

The Embassy of the Hungarian People's Republic request that [redacted] complete and sign the attached forms in triplicate in order that the appropriate authorities may consider issuing him a travel document to return to Hungary.

E. MARY STOCK

Under-Secretary of State
for External Affairs

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No. C-3814

The Department of External Affairs presents its compliments to the Embassy of the Hungarian People's Republic and has the honour to request the Embassy's assistance in facilitating the return to Hungary of [redacted] who is under order of deportation from Canada.

[redacted] is said to have been born at Nyirtura, Province of Szabloes, Hungary, [redacted] His parents, [redacted] are believed to be living at Tamosics Mihlay St., Nyirtura, Szaboes.

s.19(1)

[redacted] arrived in Canada from Austria on August 19, 1957. At that time he was in possession of a Hungarian Travel Document, since said to have been lost, issued at Nyirtus on May 14, 1955, valid to May 15, 1960, [redacted]

Since arriving in Canada [redacted] has been convicted on a number of occasions. On January 25, 1960 he was charged with vagrancy at Prince George, B.C., and sentenced to thirty days' imprisonment. On December 16, 1960 he was convicted at Prince Rupert, B.C., of breaking and entering and theft, and was sentenced to four months' imprisonment. On March 30, 1962, he was convicted at Vancouver, B.C. for breaking and entering and was sentenced to nine months' imprisonment.

As a result of the above convictions, he was ordered deported on September 27, 1962. His appeal against the deportation order was dismissed, but proceedings were suspended in order to afford him an opportunity to become rehabilitated in Canada. He failed to take advantage of this opportunity and continued to run into difficulties. On June 18, 1962 he was sentenced to six months' imprisonment for escaping from custody. On December 6, 1963 he was sentenced to two years' imprisonment at Vancouver for theft. He is at present serving a sentence of three years' imprisonment in the British Columbia Penitentiary, having been convicted at Vancouver on October 18, 1965 for breaking and entering and being in possession of house breaking instruments.

The Department would be grateful to learn whether the Embassy is prepared to issue a suitable travel document to [redacted] to enable him to return to Hungary.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the Hungarian People's Republic the assurances of its highest consideration.

OTTAWA, August 8, 1966.

E. M. [illegible]

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DEPARTMENT OF CITIZENSHIP AND IMMIGRATION — CANADA — MINISTÈRE DE LA CITOYENNETÉ ET DE L'IMMIGRATION

C AUG 2 1966 REGISTRY

OUR FILE NO. HQ1-47825
Notre dossier n°

Ottawa 2, July 27, 1966.

The Under-Secretary of State for
External Affairs,
Ottawa, Ontario.

83-11-1-Hung
34 | 45

s.19(1)

Re: Consular Division

Will you kindly approach the Hungarian authorities to ascertain if they are prepared to issue a travel document so that we may deport one [redacted] to Hungary.

According to our record [redacted] Nyirtura, Province of Szabolc, Hungary, on [redacted] He is a single person. Although we do not have up-to-date information on his parents, when we dealt with him in 1962 he stated that his father's name was the same as his own, [redacted] and that he lived at Tamcsics Mihaly St., Nyirtura, Province of Szabolc, Hungary. His mother's name was given as [redacted] At that time he had a sister, stated to be married, and a brother in the Hungarian Army.

[redacted] was issued an immigrant visa at Vienna, Austria, and he was landed at Montreal International Airport on August 19, 1957. At that time he was in possession of a Hungarian Travel Document, since said to have been lost, issued at Nvirtus on May 14, 1955, valid to May 15, 1960, [redacted]

[redacted] has had a number of convictions in Canada. On January 25, 1960 he was convicted of vagrancy at Prince George, B.C., and sentenced to a period of thirty days' imprisonment. On December 16, 1960 he was convicted at Prince Rupert, B.C., of unlawfully breaking and entering and stealing and he was sentenced to four months' imprisonment. On March 30, 1962 he was convicted at Vancouver for breaking and entering and sentenced to nine months' imprisonment.

As a result of the above he was ordered deported at an Immigration Inquiry held at Burnaby, B.C., on September 27, 1962. His appeal taken from the deportation order was dismissed but proceedings were suspended to afford him an opportunity to show whether he could become rehabilitated in Canada. He failed to take advantage of this opportunity and continued to get into trouble. On June 18, 1962 he was

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Note to Hungarian Embassy done 8-8-66

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sentenced to six months' imprisonment for unlawfully escaping from custody. On December 6, 1963 he was sentenced to two years' imprisonment at Vancouver for theft over $50.00. He is serving a sentence of three years' imprisonment at the B.C. Penitentiary, having been convicted at Vancouver on October 18, 1965 for breaking and entering and being in possession of housebreaking instruments.

A. S. Vass,
for Chief, Enforcement Division,
Special Services, Immigration Branch.

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MEMORANDUM
GOVERNMENT OF CANADA

NOTE DE SERVICE
GOUVERNEMENT DU CANADA

Jacques Cohen to see
J.L. Mooney

FROM / DE: Director
Programs and Procedures Branch

s.19(1)

TO / A: Director General
Foreign Service

OUR FILE – N/RÉFÉRENCE: AP 238978-65
YOUR FILE – V/RÉFÉRENCE:
DATE: April 27, 1971
REFER REPLY TO / ENVOYER LA RÉPONSE À:
TEL. NO. / TÉL.:

file 47-4-UNHCR
7 Rtd

SUBJECT / SUJET: [redacted]

1. As you will note on the file, the Minister has agreed that [redacted] who was deported August 25, 1970, should be readmitted to Canada and has signed the necessary Permit.

2. [redacted] is presently being held by the British authorities in London and your London office is aware of the case. Would you please advise London by telex as follows:

> [redacted] *Yugoslav refugee - your file 999-l-65411 - may now be issued NI visa 7(2)(c) and granted non-recoverable Transportation Assistance - London to Vancouver, B.C. - authority TB 5120272 which should be quoted on IMM 500. Copies 2, 3 and 4 of warrant should be sent to Head, Transportation and Assistance, Programs and Procedures Branch. It will not be necessary for* [redacted] *to sign warrant.*

3. As soon as [redacted] travel details are known, please advise Head, Independent Immigrant Unit, Home Services Branch, I.D.H.Q. The Minister's Permit will be forwarded to our Vancouver office and Mr. Komar should be advised to contact that office on his arrival.

c.c. UNHCR attn: Mr. Mooney

Our telecon refers.

J.D. Mitchell

CORO STANDARD FORM 2258 7540-21-855-4989

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DEPUTY MINISTER
OF
MANPOWER AND IMMIGRATION

CANADA

SOUS-MINISTRE
DE LA
MAIN-D'OEUVRE ET DE L'IMMIGRATION

SEEN BY MINISTER 12/3/71

March 5, 1971

s.19(1)

MEMORANDUM TO THE MINISTER

Re: [redacted] - Yugoslav Refugee

The purpose of this Memorandum is to request issuance of a Minister's Permit to [redacted] a stateless refugee whose deportation from Canada was effected on August 25, 1970.

[redacted] was originally ordered deported on July 4, 1968, following a conviction for fraud in Prince Rupert, British Columbia. The fraud involved presenting a worthless cheque in a poker game and obtaining $123 from one of the players by this means. The subject was sentenced to 30 days imprisonment and a $650 fine. As he was unable to pay the fine, the subject served six months in jail. An appeal was entered and was dismissed by the Immigration Appeal Board on August 27, 1968. The Appeal Board ordered execution of the deportation order stayed until August 27, 1970, subject to review if Mr. Komar lived up to his social responsibilities.

On September 30, 1969, [redacted] was convicted of procuring in Vancouver, British Columbia. This charge resulted from the subject directing a plainclothes detective of the Vancouver city police to a prostitute. [redacted] was sentenced to six months imprisonment for this offence. The Immigration Appeal Board then ordered that the deportation of [redacted] be executed as soon as practicable. A Yugoslav passport was obtained for [redacted] and he subsequently left Canada by air on August 25, 1970, enroute to Yugoslavia via London, England.

On arrival in London, [redacted] applied to authorities in the United Kingdom for political asylum. At this stage, the Office of the United Nations High Commissioner for Refugees became involved and raised the question of Canada's obligations under the 1951 Convention Relating to the Status of Refugees to which we became a signatory in 1969. They have submitted a comprehensive brief supporting [redacted] claim to refugee status and have strongly expressed their views on Canada's obligations to readmit him.

... 2

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At the time of [redacted] deportation, neither his eligibility for refugee status nor the applicability of the provisions of the Refugee Convention had been clearly established. After an extensive review of all factors, it is my opinion that deporting [redacted] to Yugoslavia would contravene Article 33 of the Convention. This view is supported by the United Nations Division of External Affairs and the Legal Division of that Department. Article 33 of the 1951 Convention Relating to the Status of Refugees states:

s.19(1)

> *"1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*
>
> *"2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."*

It is the view of the U.N.H.C.R. that the crimes committed by [redacted] do not bring his case within the exception mentioned in paragraph 2 and that the subject should not therefore be deported to Yugoslavia.

At no time during the inquiry, appeal or appeal review did [redacted] raise the question of his being subject to persecution if returned to Yugoslavia. Other factors which led us to believe that [redacted] would not be persecuted were that Yugoslavia is also a signatory to the Refugee Convention and the fact that a number of Yugoslavs had previously been deported to that country without incident.

There is a distinct possibility that this case could become a cause célèbre if [redacted] remains in detention in London. It is therefore recommended that he be readmitted to Canada as quickly as possible to forestall any unnecessary adverse publicity.

Authority is available in the transportation assistance fund for payment of [redacted] transportation back to Canada. If you agree, therefore, and will sign the attached Permit, I will see that the necessary arrangements are made to permit Mr. Komar to return to Canada.

... 3

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As [redacted] in spite of his previous four-year legal residence in Canada, will now remain in our country under the authority of Section 8 of the Immigration Act, it will be emphasized to both him and the U.N.H.C.R. that this decision is without prejudice to further action on this or any other case. Instructions recently issued to the field include safeguards against any refugee in Canada in future being deported without full consideration being given to Canada's obligation as a signatory to the Refugee Convention. (A copy of this instruction is attached).

Should [redacted] be convicted of another crime which might make deportation justified under the provisions of the Refugee Convention, this case will again be brought to your attention. On the other hand, should he succeed in settling himself satisfactorily in Canada there is, of course, provision under Section 5 of the Immigration Act which would enable us to cancel the Permit and grant him landed status.

enc.

s.19(1)

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EXTERNAL AFFAIRS AFFAIRES EXTÉRIEURES

MEMORANDUM

TO / À: Jacques Gorbeil

FROM / De: T. L. Mooney s.19(1)

REFERENCE / Référence:

SUBJECT / Sujet: Deportation of [redacted]

SECURITY / Sécurité: RESTRICTED

DATE: April 26, 1971.

NUMBER / Numéro:

FILE / DOSSIER
OTTAWA 47-8-1-3 47-4-UNHCR
MISSION 2 R.d.Fowler

ENCLOSURES / Annexes

DISTRIBUTION

Mr. Mitchell (6-1574) of the Programmes Branch of the Department of Immigration called this morning to confirm that his Minister had signed a ministerial permit re-admitting [redacted] to Canada. Copies of the memorandum which convinced him to take this action, and of the memorandum starting the wheels turning to have [redacted] brought back, are being sent to me and will be immediately passed on to you.

2. It would appear that the next action required on our part is to notify Geneva and the UNHCR as to what has transpired. The "why" of it all, of which we must explain, at least in part, to the UNHCR, is a matter of some delicacy. The Immigration authorities and FLA are quite concerned about this aspect of the case. I spoke to Mr. Copithorne of FLA on April 23, informing him of the decision regarding [redacted] He had the file with him at that time and was proceeding to give some thought as to what reply we might make to the UNHCR. Both Mr. Mitchell and Mr. Copithorne are aware that you will be taking over from me the question of refugees. Coordination of a reply to the UNHCR lies in your hands.

3. One last interesting development in this whole field is the FLA memorandum of March 15, copy of which I obtained on April 23 and passed to you on the same day. In it, mention is made that the latest draft of the amendments to the Immigration Act no longer permits the Minister for Immigration any discretion in a refugee case where our Minister had determined a person to be a refugee under the terms of the Convention. Such a person now must be allowed to remain in Canada, subject to the other provisions of the Convention of course.

NB

Terry Mooney

T.L.M.

000283

Ext. 407A/Bil.

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diary circ

FILE

File

UNCLASSIFIED

October 7, 1969

A.R. Wright

47-5-UNHCR

4 file

Certification procedures for refugees.

In the report of the United Nations High Commissioner for Refugees which will be submitted to the 24th session of the United Nations General Assembly, attention is focussed on the procedure for determination of refugee status as required by the 1951 Convention on the Status of Refugees and the 1967 Protocol thereto. The report states in part:

> "The question of drafting legislation on the determination of refugee status is receiving particular attention in the countries of Africa. Laws on this subject have already been enacted in some of these countries, while in others they are still in the drafting stage."

In Senegal, for instance, legislation provides that decisions on eligibility shall be taken by a commission which is presided over by a magistrate, and on which the High Commissioner's representative sits as an observer. This commission is also competent to take decisions on the withdrawal of refugee status and the expulsion of people who have enjoyed refugee status. In Zambia, the Ministry of Home Affairs has established a committee at Lusaka to consider the status of people applying for asylum, and requests for admission to refugee status. This committee, which has an advisory character, consists of four members including the Deputy Representative of the High Commissioner. Similar procedure has been established in the Central African Republic and provision has been made for the issuance of identity cards to refugees. The report also refers to the issuance of documentation to refugees and lays emphasis on the fact that the most important document is the travel document provided for by the 1951 convention. This document is widely used and its issuance has become commonplace in countries in which there are a large number of refugees.

2. In some countries where there is a permanent repreaentative of the United Nations High Commissioner, he has been able to provide assistance for refugees in seeking to obtain the nationality of their country of residence. Emphasis is placed upon the fact that refugee status should be for a transitional period and that as soon as a refugee becomes eligible to obtain the nationality of his country

... 2

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of residence, he should take the necessary steps in this regard. Representatives of the United Nations High Commissioner for Refugees can assist individuals in assembling the necessary documentation in this regard, and assist in ensuring that they are put in touch with facilities which can provide them with a working knowledge of the appropriate language of the country of residence, together with historical information on the governmental system and the rights and duties of citizens. The High Commissioner or his representative co-operates with voluntary agencies which provide refugees with financial and legal assistance in cases of this kind. The representative also maintains contacts with governments, both individually and through appropriate regional organizations where they exist.

A.R. WRIGHT

A.R. Wright

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Refer
Mr Bergbusch
Mr Buckley
d file
Dan

Pass on Brian

z 47-3-4NH CR

ACTION COPY
20-ISR-1-3
22

ME

FM TAVIV JAN31/68 CONFD

TO TT EXTER 90 PRIORITY DE PARIS

INFO PARIS TT CAIRO BERUT LDN WASHDC PRMNY GNEVA DE PARIS NATO

DE LDN

BAG TERAN DE TAVIV

REF OURTEL 1187 DEC27

RETURN OF ARAB REFUGEES TO WESTBANK UNDER FAMILY REUNION SCHEME

FAMILY REUNION SCHEME HAS ONCE AGAIN BEEN TEMPORARILY HALTED BUT THIS TIME HALT STEMS FROM OBJECTIONS OF REDCROSS AS RESULT OF INADEQUACY OF SECURITY ARRANGEMENTS DURING CROSSINGS AT ALLENBY BRIDGE RATHER THAN FROM OBJECTIONS RAISED BY EITHER JORDAN OR ISRAEL.RED CROSS OBJECTIONS WERE RAISED FOLLOWING SHOOTING INCIDENT AT BRIDGE ON DATE OF LAST CROSSINGS,JAN25,WHEN TWO RED CROSS REPS WERE WOUNDED WHILE ATTEMPTING TO EVACUATE INJURED ISRAELI SOLDIERS(REF CFATEL32 JAN26).APPARENTLY RED CROSS HAVE SUBMITTED PROPOSAL SUGGESTING NEW SECURITY MEASURES AT BRIDGE AND ON BASIS OF RED CROSS SUGGESTIONS ISRAEL AND JORDAN ARE PREPARING THEIR OWN PROPOSALS WHICH WILL BE DISCUSSED AT JOINT MTG WITH RED CROSS. DATE FOR MTG HAS NOT/NOT YET BEEN FIXED.GIVEN LUKEWARM INTEREST ISRAEL AND JORDAN SEEM TO HAVE IN IMPLEMENTING THIS SCHEME IT MAY BE SOME TIME BEFORE CROSSINGS ARE INITIATED AGAIN.

2.SINCE DEC21,161 PEOPLE HAVE RETURNED TO WESTBANK UNDER FAMILY REUNION SCHEME BUT THERE HAVE PROBABLY BEEN A FEW MORE THAN THIS AS WE HAVE NOT/NOT BEEN ABLE TO OBTAIN NUMBER OF RETURNEES ON THREE OF SCHEDULED DATES.FOLLOWING IS BREAKDOWN OF NUMBER

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RETURNED BY DATE:37 RETURNED DEC24;NUMBER NOT/NOT REPORTED DEC28; 20 RETURNED JAN1;18 RETURNED JAN4; 54 RETURNED JAN8;NUMBER NOT/ NOT REPORTED JAN11;SNOW CAUSED CANCELLATION JAN15;7 RETURNED JAN18 (DESPITE FACT THAT NO/NO JORDANIAN REPS WERE AT BRIDGE);NUMBER NOT/NOT REPORTED JAN22;26 RETURNED JAN25 AND CROSSINGS WERE CANCELLED JAN29.

3. NO/NO INFO HAS BEEN GIVEN BY ISRAELIS CONCERNING NUMBER OF APPLICATIONS APPROVED AND FROM WHAT LITTLE INFO IS AVAILABLE IT SEEMS CERTAIN THAT PEOPLE BEING ALLOWED TO CROSS ARE RETURNING TO ESTABLISHED TOWNS AND VILLAGES ON WESTBANK RATHER THAN TO REFUGEE CAMPS.

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TO: Mr Rose
SEP 30 1963
REGISTRY

ACTION COPY

Original damaged

FM WASHDC SEP27/63 CONFD

TO EXTERNAL 3142 PRIORITY

INFO PERMISNY PRIORITY

TT CAIRO TAVIV PRIORITY FM OTT

BAG BEIRUT FM LDN

18TH UNGA:ARAB REFUGEES

IN DISCUSSION WITH US SEP27 CRAWFORD,STATE DEPT OFFICER IN CHARGE OF ARAB-ISRAELI AFFAIRS,SAID THAT USA HAD BEEN ENGAGED THROUGH THE SUMMER IN A SLOW BUT STEADY PROCESS OF WHAT HE CALLED QUOTE EDUCATIONAL NEGOTIATION UNQUOTE WITH ISRAEL AND THE ARAB STATES LOOKING TOWARD MEANS OF MAKING PROGRESS ON THE REFUGEE PROBLEM.IN EFFECT USA GOVT HAD PICKED UP THE BALL LEFT BY JOHNSON WHEN HE RESIGNED FROM PCC.CRAWFORD SAID THEY HAD BEEN QUIETLY PURSUING WITH ARAB AND ISRAELI GOVTS SOME OF THE FUNDAMENTAL CONCEPTS DEVELOPED BY JOHNSON BUT HAD LEFT ASIDE HIS SPECIFIC PROPOSALS.CRAWFORD OBSERVED THAT SOMETHING HAD BEEN ACCOMPLISHED IN THESE DISCUSSIONS BUT THAT IT WOULD TAKE A GOOD DEAL MORE TIME.BECAUSE USA WOULD BE CONTINUING THESE QUIET EFFORTS,THEY WERE ANXIOUS TO AVOID AN ACRIMONIOUS DEBATE ON THE REFUGEE ISSUE AT UNGA AND PARTICULARLY TO AVOID HAVING TO DEAL WITH SPECIFIC RESLN.THERE WOULD OF COURSE BE A DEBATE ON UNRWA, BUT SINCE THE MANDATE WOULD NOT RPT NOT BE UNDER QUESTION,STATE DEPT HOPED DEBATE MIGHT BE LESS CONTENTIOUS THAN USUAL.CRAWFORD ACKNOWLEDGED THAT BOTH ISRAELIS AND ARABS WOULD FEEL OBLIGED TO MATCH EACH OTHER IN THE TONE OF THEIR INTERVENTIONS AND SO USA OFFICIALS WERE CONCENTRATING AT THE MOMENT ON THE AVOIDANCE OF DRAFT RESLNS.THE ISRAELIS HAD ALREADY BEEN TALKING ABOUT ANOTHER RESLN CALLING FOR DIRECT NEGOTIATIONS AND ARABS COULD BE EXPECTED TO [illegible] ONE IN RETURN.CRAWFORD SAID THAT ON SEP26-27 USA WAS PRIVA- [illegible] PROPOSAL TO BOTH ARABS AND ISRAELIS ASKING EACH SIDE [illegible] DRAFT RESLN UNLESS THE OTHER SIDE DID.IT [illegible] THAT IF SUCH RESLNS WERE PUT FORWARD

USA WOULD OPPOSE AND DEFEAT THEM.IN SUCH CIRCUMSTANCES(IE IF THEIR PRIVATE INITIATIVE TO BOTH SIDES FAILED)CRAWFORD SAID USA WOULD BE READY TO PRODUCE A SIMPLE DRAFT RESLN OF THE SORT USED IN THE PAST WHICH WOULD REQUEST PCC TO CONTINUE ITS WORK.CRAWFORD NONETHELESS HOPED FOR A MORE RESTRAINED UNGA DEBATE ON THIS SUBJECT,WHICH WOULD NOT RPT NOT ADVERSELY AFFECT THEIR CURRENT PRIVATE NEGOTIATIONS WITH THE PARTIES.

2.IN VIEW OF CLASSIFICATION OF MR ANDREWS TELS 290 AND 296 WE COULD NOT RPT NOT OF COURSE PRESS CRAWFORD FOR DETAILS OF THE PRIVATE DISCUSSIONS USA IS HAVING WITH ISRAELIS.THE ABOVE,HOWEVER,MAY HEOP SHOW THE CONTEXT IN WHICH THEY ARE PROCEEDING.