

that half of the Palestinians were refugees. Accordingly, the AALCC at that session decided to consider the item in conjunction with the item 'Status and Treatment of Refugees'.

In partial fulfillment of the mandate of the Doha Session, the brief of documents prepared for the Manila Session outlined the developments on these three items viz. (i) Model Legislation on the Status and Treatment of Refugees; (ii) the Establishment of Safety Zones for the Internally Displaced Persons in their Country of Origin; and (iii) Deportation of Palestinians in Violation of International Law, particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territories. The salient aspects of the brief of documents prepared by the secretariat for the 35th session are set out below:

(1) The Model Legislation on the Status and Treatment of Refugees

At its 34th Session held in Doha in 1995, the AALCC Secretariat submitted for consideration of the Member States the text of the proposed Model Legislation on the Status and Treatment of Refugees. The proposed legislation comprised the preamble and thirty-one sections arranged in three parts viz (i) *General Provisions* (Sections 1-9); (ii) *Rights and Obligations* (of refugees) (Section 10-24); and (iii) *Organizational Arrangements* (Section 25-31). Read together they set out the *rationae personae* and *rationae materiae* of the proposed legislation and also provide for the establishment of an administrative organ to deal with matters relating to refugees in the receiving State. The last part also makes provision for quasi-judicial review of decisions in matters relating to the status and treatment of the refugees. The text of the model legislation² has been circulated amongst Member States at the Doha Session as well as along with letters of the Secretary-General dated 9th February 1995 and 25th July 1995.

General Provisions (Section 1-9)

Part I of the Model Legislation comprising nine sections addressed itself to such matters as (i) title, purpose and scope of the proposed Act (Sections 1-3); (ii) Definitions or use of terms (Section 4); (iii) the basic principles of the treatment of refugee (Section 5); (iv) meaning of the term "refugees" (Section 6); (v) determination of a class of persons as refugees (Section 7); and (vi) exclusion and cessation clauses (Sections 8 and 9). Sections 1 and 3 dealing with the title and territorial applicability of the proposed legislation are self-explanatory and require no comment.

2. For the text of model legislation see *Report and Selected Documents of the Thirty-Fourth Session*, Doha, Qatar (17-22 April 1995).

Rights and Obligations of Refugees (Section 10-24)

Part II of the Model Legislation comprising fifteen Sections (10 to 24) addresses itself to the Rights and Obligations of Refugees whilst in the territories of the State affording them protection. The first of these viz. Section 10 addressed to the rights of refugees offers alternative formulations. *Option A* is based on the express recognition of all rights set out in the regional and universal conventions to which the State is a party and recognizes and accepts the references to the term "refugees" in those instruments as references to refugees recognized and protected by and under the proposed Act. This formulation draws its inspiration from Section 2 of the Zimbabwe Refugee Act, 1983. This alternative would require that either the specific provisions of the instruments which are to be given effect be set out in a schedule or annexed to the proposed Act or be identified and included in the corpus of the Statute.

The second alternative i.e. *Option B* is somewhat restrictive in its scope of application and apart from fair and due treatment without discrimination restricts the rights of refugees to those that are generally accorded to the aliens in particular to such matters as right to property, right to transfer of assets, and the right to engage in agriculture, industry etc. It may be recalled in this regard that the Bangkok Principles concerning Treatment of Refugees adopted by the AALCC had included the minimum standard of treatment and that Article VI of those Principles provided *inter alia* that a State shall accord to refugees treatment in no way less favourable than that accorded to aliens and that the standard of treatment shall include the rights relating to aliens to the extent they are applicable to refugees.

Organizational Arrangements

The two-fold thrust of Part III of the Model Legislation is to provide a machinery for refugee status determination by a Bureau/Department/Division or Unit of the receiving State. In practice, however, the refugee status determination machinery varies from State to State. Thus, in Thailand, the Government officials involved in the refugee status determination process for the Vietnamese Boat People were all drawn from the Ministry of Interior, who based their decisions on the recommendations of lawyers and the appeals considered by more senior officials from the same Ministry. In Malaysia, the responsibility of the refugee status determination both in the initial stages and the review stages was entrusted to the National Task Force for Vietnamese illegal immigrants composed of officials from the Army, Navy, and Police. There the National Task Force, in turn, is known to have appointed officers to interview asylum seekers and both the first instance and review decisions were taken by senior officials of the National Task

Force. In the Philippines, the asylum seekers were interviewed and first instance decisions were reviewed by an Appeal Board comprising Senior Government Officials.

It is against this backdrop that Part III of the draft of the Model Legislation entitled *Organizational Arrangements* aims at establishing an institutional and administrative machinery for the matters dealing with refugee status determination related matters. This part of the draft proposes the establishment of an executive organ and a review/appellate body for the purpose of judicial or quasi judicial review of the decisions or orders of the executive body (Sections 25, 26 and 27). This part also explicitly provides for the composition and functions of both the executive organs as well as the review/appellate authority and other matters allied to their functioning. (Sections 28 to 36).

Mandate of the 34th Session

Pursuant to the mandate of the 33rd (Tokyo) and 34th (Doha) sessions the Secretary-General of the AALCC addressed two letters dated 9th February 1994 and 24th July 1995, seeking the comments and observations of the Member Governments on the Model Legislation. The Secretariat wishes to place on record its gratitude to the three Member Governments viz Singapore, Turkey and Cyprus, and the Office of the UNHCR for having responded to the Secretariat's request.

The comments received from the Government of Singapore are as follows:

In the event that Singapore wishes to enact legislation in this field, the Model Legislation can be considered for adoption by Singapore subject to such modifications:

(a) On the rights and obligations of refugees, the model legislation contained option A and option B. Option A appears to be the preferable approach as refugees are accorded rights stipulated by International Conventions to which it is a party; (b) on organizational arrangements, the model legislation requires the setting up of a new Government department (option A) or a new Refugee Committee (option B) to deal with refugees. If existing government machinery can adequately deal with the matter, then there may be no necessity for Singapore to adopt these organizational arrangements. (c) on Appellate Authority, the model legislation requires the establishment of a Refugee Appellate Authority to be headed by a Judge to deal with matters arising out of the application, interpretation and implementation of the model legislation. If existing administrative

and judicial structures can adequately deal with problems arising from the model legislation, then there may be no need to set up an Appellate Authority.

In the view of the Turkish Government, the AALCC Model Legislation on the Status of Refugees foresees an intensive institutionalization regarding subjects pertaining to refugees. Therefore, considering the prevailing circumstances in her region and current practice in Turkey, the Turkish Government does not find it possible to adopt the views depicted in the model legislation.

The Republic of Cyprus in response to the Secretariat letter, sent information on "the policy of the Republic of Cyprus on Political Asylum." Political asylum is closely connected with refugees and is invariably sought by such persons. Both the Convention and the Protocol are binding on Cyprus.

The comments from the office of UNHCR were forwarded to the Secretariat by the representative of UNHCR. They proposed substantive amendments to draft articles 3 to 9 of the text of the Model Legislation on Refugees.

(2) Establishment of Safety Zones for the Displaced persons in their country of origin

At the 34th Session held in Doha in 1995, the Committee considered a brief on the "Framework for the Establishment of a Safety Zone for Displaced Persons in their country of origin." The proposed framework incorporated basic principles enshrined in international humanitarian laws and the decisions of international organisations. The framework adopted a simple structure to outline a solution to a complex issue and comprised a total of twenty provisions classified under seven broad headings. The framework stipulated (i) the aim of establishment of a safety zone; (ii) conditions in accordance with which a safety zone may be established; (iii) the supervision and management of the proposed zone; (iv) duties of the Government and the conflicting parties concerned; (v) the rights and duties of the displaced persons in the safety zone; (vi) protection of the officials of the International Organizations; and (vii) the closure of the Safety Zone.

The provisions of the Framework for the Establishment of a Safety Zone for displaced persons relied heavily on the 13 principles that the AALCC considered at its 28th session held in Nairobi in 1989. The framework proposes the establishment of a safety zone to "protect the life and property of displaced persons in their country of origin from

consequences of armed conflicts by placing them under a UN protected area" when a "considerable number of displaced persons arises as a result of armed conflicts or civil wars and their life and property are threatened." These two provisions (1.1 and 2.1) read together furnish the *raison d'être* of the proposed Safety Zone. However, the latter provisions quoted above (3.1) expand the purpose of the establishment of the proposed zone to provide safety and security from non-international armed conflicts. The proposed framework has taken into consideration many of the principles of existing laws.

Principal Sources of Existing Law

The proposed framework has taken into consideration many of the legal principles. The principal sources of the existing standards for protection were the foundations for articulation of further protections and found in international human rights law specifically the Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1981 African Charter on Human Rights; humanitarian law, which comprises the four Geneva Conventions of 1949 and the two Additional Protocols of 1977; and refugee law, embodied in the 1951 Convention relating to the Status and Treatment of Refugees and the 1967 Protocol. With reference to the principle concerning the "Protection of the officials of the International Organizations," consideration be given to the Convention on the Safety of UN and Associated Personnel. It recognises the urgent need to adopt appropriate and effective measures for the prevention of attacks against United Nations and associated personnel and for the punishment of those who have committed such attacks. In order to achieve this two-fold objective, the Convention contains a set of 28 articles which elaborate certain preventive measures and the parameters within which an international legal regime could operate effectively. It is the established practice to seek consent of the host State prior to the beginning of any United Nations operation in the concerned State. The problem, however, would arise when because of the circumstances, the host government may not be in full control of the situation. Similarly, whether the conflict situation is one of an international character, or a non-international armed conflict would also pose difficulties in obtaining such a consent. The framework proposed by the AALCC has taken into account all the above principles of international law.

The wide number of these rights enshrined in the human rights law are applicable to situations common to the displaced. These cover the minimum standards of human existence and dignity, physical protection, shelter, food, clothing, basic health, work, and the integrity of the person

and the family as the most fundamental social unit. However, human rights law does not directly address some of the most critical situations affecting the displaced, such as forcible displacement or return to unsafe areas and access to humanitarian assistance.

Recent events in Bosnia and Herzegovina, Rwanda and Sri Lanka have raised many of such issues as whether refugee influx can be averted through the creation of internationally protected 'safe areas' within affected countries, and the extent to which that objective can be achieved without harming the right to seek asylum in another State? Since the UN has established protected areas or safe zones in areas of armed conflict, the secretariat study prepared for the 34th session had concentrated on the legal aspects of safety zones for internally displaced persons in the armed conflicts and to formulate basic principles. Some examples of the "establishment of Safety Zones by the UN in the armed conflicts, were produced in the brief prepared for the 34th Session (1994).

International Protection Mechanisms

There is an increasing interest on the part of most international organisations to become more involved with the plight of the internally displaced persons. The UNHCR, the International Organization for Migration, the Department of Humanitarian Affairs of the United Nations, the World Food Programme, the World Health Organization, UNICEF, the High Commissioner for Human Rights, ICRC and other mechanisms of the Commission on Human Rights, peace-keeping and peace-making operations, regional intergovernmental and non-governmental organizations all have played important functions in this regard. Their involvement hitherto has mostly been of an *ad hoc* nature largely because none of the international bodies is specifically mandated to shoulder the humanitarian responsibilities with respect to the internally displaced persons. The proposed framework for the establishment of safety zones for the internally displaced persons in the country of origin needs to be given consideration against the backdrop of the lack of specific mandate for the internally displaced persons save in the instance of natural disasters. There is general agreement today that efforts to alleviate the plight of the internally displaced have to be further streamlined and coordinated.

Future work programme

It may be recalled that the AALCC at its thirty-fourth Session *inter alia* requested the Member Governments to send their comments and observations³

3. Report and selected documents of the Thirty-Fourth Session, Doha, Qatar (17-22 April 1995) pp. 101-102.

on the proposed Legal Framework for the Establishment of Safety Zones for Displaced Persons in their Country of Origin, and directed the Secretariat to study the concept of Safety Zones in the light of the comments received. Pending further directions to the Secretariat as to the future course of work on this subject, the Secretariat on its part would continue to monitor and assess the developments relating to the establishment of Safety Zones for internally displaced persons in their country of origin by other competent international organizations.

(3) Deportation of Palestinians in violation of international law particularly the Fourth Geneva Convention of 1949

The subject 'Deportation of Palestinians in violation of International Law, particularly the Fourth Geneva Convention of 1949' was taken up by the AALCC consequent upon a reference made by the delegation of the Islamic Republic of Iran at the 27th Session of the Committee, held in Singapore in March 1988. The delegate of the Islamic Republic of Iran in his introductory statement pointed out that the Zionist entity (Israel) had deported a number of Palestinians from Palestine as a brutal response to the upheaval by the people in the occupied territory. The deportation, both in the past and recent times, of people from the occupied territory constituted a severe violation of the principles of International Law and also violated the provisions of such international instruments and conventions as the Hague Conventions of 1899 and 1907, the Charter of the United Nations, 1945 and the Geneva Convention relative to Protection of Civilian Persons in time of War, 1949, all of which either implicitly or explicitly prohibited deportation as a form of punishment or deterrent factor, especially in an occupied territory. After a preliminary exchange of views at that session, the AALCC called upon the Islamic Republic of Iran to furnish the Secretariat with a memorandum which it might take as a basis to conduct its study and accordingly, directed the Secretariat to study the subject. The item has thereafter been considered at successive sessions.

Developments since the Doha Session

In a significant development, the PLO leader and the then Israeli Prime Minister signed a Deployment of Forces Agreement in Washington on the 28th September 1995. Under that agreement, Israel is to hand over much of the West Bank to Palestinian rule as it provides for Israel's military withdrawal from most of the West Bank territory it has occupied since the 1967 six-day war, but with residual protection for Jewish Settlement. The accord also opens the way for the emergence of an elected Palestinian Council in that it transfers extensive autonomy to an elected 82 member Palestinian Council and Chief Executive. The Agreement recognises that

certain Biblical cities are Palestinian cities. Welcoming the signing of the accord the Secretary-General of the United Nations, Mr. Boutros Boutros Ghali said that he hoped it would encourage progress in Israel's negotiations with Syria and Lebanon leading to a comprehensive peace.

The steps towards peace between the then conflicting parties, one of them being the agreement signed in Washington on 28th September 1995, will hopefully settle all pending issues including Deportation of Palestinians in Violation of International Law Particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territories and will restore the full respect and implementation of international instruments including the Fourth Geneva Convention and rules of International Law.

In view of the deliberations and the resolution of the 34th session as well as developments thereafter, the AALCC at its 35th session in Manila considered the future work of the Secretariat on this topic.

Thirty-fifth session : Discussions

The *Deputy Secretary-General* Mr. Tohru Kumada introduced the Secretariat Document on this topic and stated that the document dealt with the Model Legislation on the Status and Treatment of Refugees, Establishment of Safety Zones for the Displaced Persons in their Country of Origin and Deportation of Palestinians in Violation of International Law respectively.

Work on the preparation of a Model Legislation on the Status and Treatment of Refugees began, following a decision taken at the 31st Session, where it was decided that the AALCC in co-operation with the UNHCR frame a model legislation, with the objective of assisting Member States in enacting appropriate national legislation on refugees. The proposed model legislation along with a commentary preceding the text was submitted for consideration of the Committee at its 34th Session held in Doha whereat the Committee, *inter alia*, directed the Secretary-General to seek comments and observations from the Member Governments. The Secretariat received comments from the Governments of Cyprus, Singapore and Turkey and the Office of the UNHCR. The discussions at the Manila session would determine the future course of work on the subject.

Referring to Part B of the document dealing with the Establishment of Safety Zones for the Internally Displaced Persons, the Deputy Secretary-General pointed out that it dealt with the circumstances under which a Safety Zone could be established, the involvement of the United Nations in the management of safety zones and the status of safety zones in international law. The framework for the establishment of the Safety Zone had been prepared for the 34th Session of the Committee held in Doha and substantially built upon the 13 principles that the AALCC had considered

at its 28th Session held in Nairobi in 1989. He pointed out that the Committee at its 34th Session had, *inter alia*, requested Member Governments to send their comments and observations on the proposed legal framework, and had directed the Secretariat to study the concept of safety zones in the light of the comments received. The Secretariat had not received any comments, he said and added, that the Secretariat would appreciate if consideration was given to the topic which would determine the future work on the subject.

Turning to the item, "Deportation of Palestinians in violation of International Law, particularly the Fourth Geneva Convention of 1949 and the Massive Immigration and Settlement of Jews in the Occupied Territories", the Deputy Secretary-General said that the item had been on the agenda of the Committee since 1988 when it was first referred by the Government of the Islamic Republic of Iran and had since been discussed at the successive sessions of the Committee. The study prepared for the 34th Session in Doha reflected the events and developments following the Middle East Peace Process including the Principles on Interim Self-Government Arrangements of September 1993 and, the 1994 Agreement on the Gaza Strip and Jericho area. At that Session, the Committee had *inter alia* decided that this item be considered in conjunction with the question of the Status and Treatment of Refugees.

He further stated that the steps towards peace between the then conflicting parties would hopefully settle all pending issues including the deportation of Palestinians in violation of International Law and would also restore the full respect and implementation of international instruments including the Fourth Geneva Convention and rules of International Law. In view of the recent developments, the Committee could consider whether the Secretariat had exhaustively dealt with the legal aspects of the item and determine the future work of the Secretariat.

The *Representative of the UNHCR* observed that the continents of Africa and Asia were host to a large number of refugees and that the number of people of concern to the UNHCR had risen substantially. She pointed out that traditional refugee law aimed at providing protection to a small category of individuals, and tended to downplay the responsibility of the country of origin. The rapid growth of the refugee problem and experience acquired had demonstrated the need for refugee law to focus on the State of origin and the international community and to address the entire spectrum of the refugee problem from before flight to after return. She emphasized the need to look beyond traditional refugee law, and to take into account other areas of International Law to find cohesive and practical answers to such fundamental questions as the responsibilities of the States involved,

(either as country of origin or country of asylum), respect for the right to seek asylum, the right to return as well as the right to remain in the country of origin in safety.

In her view, the work of the AALCC was closely related to two issues, namely the responsibility of the countries of asylum in adopting norms or standards for treatment of asylum seekers and refugees and to analyse at length the institution of safety zone for displaced persons in the country of origin. Referring to the model legislation, she said that UNCHR looked forward to continued collaboration with the AALCC in refining the text in the light of the comments of the Member States. With respect to the establishment of safety zones for the internally displaced in their country of origin, she noted that although there were many valid reasons to continue preventing refugee flows, care ought to be taken in promoting the establishment of safety zones. She outlined the primary components to be considered before establishing such a zone. She said that the "proposed legal framework for the establishment of Safety Zones for displaced persons in their country of origin," in the view of the UNHCR, contained all the basic principles and safeguards according to International Law and the practice of the organizations.

Recalling that thirty years ago the AALCC had adopted a set of basic principles concerning the treatment of refugees, she stated that the celebration of the 30th anniversary of the adoption of the Bangkok Principles offered, in the view of the UNHCR, an opportunity for the members of the AALCC to take stock of the experience acquired during the past thirty years. UNHCR was willing to co-sponsor with the AALCC a seminar or colloquium on refugee law to review the Bangkok Principles and to reflect on the future and offered to render the required technical and financial support for convening the seminar. She concluded by saying that the complexity of humanitarian crisis and the grave protection problems which they entailed, as well as the need for comprehensive approaches to their solution, required the promotion and dissemination of refugee law and urged the AALCC to undertake this task.

The *Delegate of the State of Palestine* expressed gratitude to the Committee and its member States for their interest in according priority to such major issues in the Arab-Israeli conflict which have resulted in the achievement of a just and comprehensive peace. According to him, the settlement policy of Israel to accommodate the massive Jewish immigration, was a serious challenge to the inalienable human rights of the Palestinians. He maintained that any delay in implementation of building of settlements, in violation of International Law, would endanger prospects of achieving comprehensive peace.

He stressed that Israeli settlements continued to occupy a substantial percentage of Palestinian land thereby creating a fragile situation. Referring to the recent declaration by Israel to build over 30,000 housing units in the next 3 years including 6,000 dwelling units to be built this year, he said that such policies would endanger the prospects of peace-building. He observed that the final stage of negotiations on the crucial issue of settlement would commence in May 1996, in the shadow of the Israeli violations of the agreement.

He further stated that the natural outcome of the peace process would be the gradual return of Palestinian refugees, who had fled their homes in the wake of deportation and displacement by Israeli occupying forces. While expressing faith in maintaining and achieving peace which would ensure restoration of the human rights of Palestinians, he admitted that the process had never been easy. He requested the Committee to inscribe the Palestinian question in the agenda of its next session and urged the Secretary-General to continue to monitor the relevant developments for reporting them to the next session.

The *Delegate of Philippines* stated that the refugee phenomenon had become a worldwide concern as a result of global and regional upheavals brought about by political and social forces and expressed the view that it was imperative that States ratify the 1951 Convention relating to the Status of Refugees and its Protocol of 1967. It was also imperative to incorporate the provisions of the Convention and its Protocol into municipal law. He maintained that national legislation was needed for the enactment of procedures for the enforcement of the Convention and Protocol at the municipal level. He said that while Philippines had been a signatory to the 1951 Convention and its 1967 Protocol since 1981 it was yet to formulate its own rules and procedures regarding determination of refugee status either by law or executive action. Consequently, Philippines was bound to honour the determination of refugee status made by the UNHCR.

Turning to the Model Legislation on the Status and Treatment of Refugees, he stated that it had rightly been pointed out that both the 1951 Convention and the 1967 Protocol suffered from certain infirmities. While proposing that these should be addressed and rectified, he urged that serious consideration be given to the right of the asylum seeker to receive fair and due treatment from State officials engaged in relief and assistance work for the refugees.

In the view of his delegation, the "Draft Model Legislation" could be a useful document. He expressed the view that in Section 6 on Meaning of Refugees, "Option A" was preferable to "Option B", as experience had

shown that there are refugees not only as a result of persecution but also because of internal disturbances, war or natural calamities. "Option A", he pointed out, covers the different categories of "refugees" to be entitled to protection. Referring to Section 10 on the Rights of Refugees, he stated that "Option B" was preferable to "Option A", as it explicitly mentions the rights to be accorded to "refugees" as already stipulated in International Conventions and as recognized by States. Pointing out that the Model Legislation accords to refugees such rights and principles as are accorded to citizens of the country, he said that his delegation reserved its position on this matter as it believed that there are certain rights and principles to be enjoyed exclusively by Filipinos. His delegation further believed that there are other States which shared the same opinion. Accordingly, his delegation underscored the need for further study on this topic. With regard to sections 25-36 addressed to Organizational Arrangements, he observed that these should be left to the discretion of the States. His Government would make the necessary arrangements according to its policies and practice in this regard, he added. Finally, he urged the Committee to take positive steps towards the adoption of the Model Legislation on the Status and Treatment of Refugees. He expressed his delegation's appreciation of the offer of the UNHCR to collaborate and render financial and technical assistance for a Seminar on the further dissemination of refugees law and assured the participation of Philippines in the same.

The *Delegate of Thailand* made two specific observations with regard to the "Proposed Legal Framework for the Establishment of a Safety Zone for Displaced Persons in their Country of Origin." On the question of consent of the country of origin, he expressed the view that pending acceptance of the proposed safety zone as a principle of international humanitarian law, consent of the country of origin would have to be relied on. He went on to say that experience had shown that getting the consent of the State concerned was not always practical in which case the decision of the Security Council prevails. He, therefore, proposed the deletion of paragraph 2 of Section 2 entitled "Conditions" of the Proposed Legal Framework for the Establishment of a Safety Zone for Displaced Persons in their Country of Origin.

His delegation proposed the incorporation of paragraph 10 of the Nairobi Principles relating to persons seeking asylum to be included in Section 5, entitled the "Rights and Duties of the Displaced Persons", of the Proposed Legal Framework. The aforementioned paragraph 10 of the Nairobi Principles could be incorporated as paragraph 3 of Section 5, he said.

The *Delegate of Ghana* observed that his government attached great importance to the issue of refugees and had done its best, including the

adoption of Refugee Law, 1992, to provide legal protection of the legitimate rights of refugees. Referring to the Model Legislation, he said that the formulation of *Article 3* relating to the scope of the Act in the Model Legislation was more acceptable than the one recommended by the UNHCR but there were certain provisions which needed to be reformulated, if they were to lend themselves for adoption by Governments. With respect to *Article 5(a)* he urged that the views of the UNHCR be considered seriously, since the article appeared to impose an outright ban on the expulsion or *refoulement* of refugees, which obviously contradicted the Refugee Convention. In his opinion, more precise formulations were required for *Article 5(b-d)*. Cautioning that there might also be some problems with the elaborate institutional arrangements recommended for administering of refugees at the national level, which might impose some financial burden on refugee receiving States, he proposed that this aspect be studied carefully.

Turning to the issue of the establishment of safety zones, he stated that the issue involved not only the problem of the legal status of safety zones, but also the problems of the jurisdiction and sovereignty of the country of origin. He recalled that his delegation at the Doha Session had cautioned against a hasty codification of the law on the subject.

With regard to the issue of the deportation of Palestinians in violation of International Law, he urged all concerned not to derail the optimism reflected in the Secretariat report that the steps towards peace between the then conflicting parties, including the agreement signed in Washington on 29th September, 1995, would hopefully settle all pending issues and would restore the full respect and implementation of international instruments, including the Fourth Geneva Convention and rules of International Law.

The *Delegate of the Islamic Republic of Iran* pointed out that his country was among the 9 Asian member States of the AALCC which were signatories to the 1951 Convention and its Protocol. He said that the treatment accorded to millions of refugees residing in Iran for the past 17 years showed that Iran had fulfilled its obligations as laid down in the 1951 Convention. The provisions of the 1951 Convention did not stand up to the current day realities where the refugee problem was mainly created by economic hardships and posed a serious threat to international peace and security. Adding that the shortcomings of the Geneva Convention had resulted in millions of Palestinian refugees being deprived of recognition as refugees under the Convention, he observed that the Model Legislation was a step forward in evolving legal principles and new approaches in dealing with the refugee problem.

Recounting that the issue of Deportation of Palestinians had been included

in the agenda of AALCC at the request of Iranian delegation in 1988, he mentioned that various dimensions of this inhuman and tragic event had been studied by the AALCC during the past 8 years. He emphasized that the deportation of Palestinians, the mass immigration of Jews to Palestine, expansion of Jewish settlements and the demographic alterations, condemned by several resolutions of the UN General Assembly, were part and parcel of one inter-related issue and should therefore be addressed in a comprehensive manner. He regretted the fact that despite all efforts towards peace in the Middle East, the Palestinian issue had remained unresolved on account of the Zionist regime's refusal to abide by the provisions of the Fourth Geneva Convention of 1949.

The *Delegate of Indonesia* commented on the Model Legislation and said with regard to *Article 5(a)* that this Article was not in line with State practice. Acting under the Comprehensive Plan of Action his country had, the delegate explained, voluntarily repatriated refugees either to third countries or to the country of origin but all of the refugees had been treated well. Commenting on *Article 10* dealing with "Rights of Refugees", he stated that since Indonesia was not a party to the 1951 Convention and the 1967 Protocol, his delegation preferred Option "A" as it was more flexible.

The *Hon'ble Minister of Justice of Sudan* emphasized that his country had suffered from the influx of millions of refugees from 8 neighbouring countries and despite its economic hardships had offered all possible assistance to them. Pointing out that UNHCR's assistance to Sudan had substantially stopped, he exhorted the UNHCR to oversee the repatriation of refugees and relieve the host country from its burden.

With regard to displaced persons in Sudan, he stated that there were two types of displaced in the ongoing South-North conflict viz. (i) those within the conflict area and (ii) those who had left the fighting area and moved north. The two categories could be easily distinguished as the ones who had moved north were to be looked after by the Government, but those who remained within the conflict area were covered by operation *Life Line Sudan* and were being assisted by UNHCR and other agencies. He emphasized that agencies providing assistance should strictly supervise aid and not get involved in the conflict themselves. Addressing the question of the Safety Zone, he said that his delegation did not approve of the proposal advanced by the delegate of Thailand to delete paragraph 2(2) of the proposed legal framework. In his view, the consent of the State of origin was paramount. He referred to the resolution of the Committee at its Doha Session and stressed that the consent of the State should be