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### OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

#### Report of the Third Committee

Rapporteur: Mr. Francis Eric AGUILAR-HECHT (Guatemala)

#### I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1986, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-first session the item entitled:

"Office of the United Nations High Commissioner for Refugees:

"(a) Report of the High Commissioner;

"(b) Assistance to refugees in Africa: report of the Secretary-General"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 39th to 43rd, 46th, 48th, 50th, 53rd and 54th meetings on 7, 10 to 12, 14, 17, 19, 21 and 24 November. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/41/SR.39-43, 46, 48, 50, 53, and 54).

3. The Committee decided to consider item 99 together with the relevant reports of the Secretary-General, the United Nations High Commissioner for Refugees and the chapters of the report of the Economic and Social Council, submitted under item 12. 1/

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1/ For the report of the Committee on agenda item 12, see A/41/874 and addenda.

4. In connection with item 99, the Committee had before it the following documentation:

(a) Report of the Economic and Social Council for the year 1986, chapter III, section G (A/41/3); 2/

(b) Report of the United Nations High Commissioner for Refugees; 3/

(c) Assistance to refugees in Africa: report of the Secretary-General (A/41/572);

(d) Note by the Secretary-General transmitting the report of the Joint Inspection Unit entitled "Role of the Office of the United Nations High Commissioner for Refugees in Africa" (A/41/380) and comments of the Secretary-General on the report (A/41/380/Add.1);

(e) Letter dated 14 May 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/338-S/18062 and Corr.1);

(f) Letter dated 22 May 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/360-S/18081 and Corr.1);

(g) Letter dated 30 May 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/385-S/18117);

(h) Letter dated 3 June 1986 from the Acting Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/41/391);

(i) Letter dated 5 June 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/397-S/18130);

(j) Letter dated 8 July 1986 from the Permanent Representative of Singapore to the United Nations addressed to the Secretary-General (A/41/452-S/18215);

(k) Letter dated 14 July 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/460-S/18222);

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2/ Official Records of the General Assembly, Forty-first Session, Supplement No. 3 (A/41/3).

3/ Official Records of the General Assembly, Forty-first Session, Supplements No. 12 and 12A (A/41/12 and Add.1).

(l) Letter dated 23 July 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/477-S/18232);

(m) Letter dated 4 August 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/499-S/18259);

(n) Letter dated 14 August 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/520-S/18280);

(o) Letter dated 9 October 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/695-S/18390);

(p) Letter dated 10 October 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/701-S/18394);

(q) Letter dated 30 October 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/782-S/18436);

(r) Letter dated 19 November 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/853-S/18465);

(s) Letter dated 20 November 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/41/862-S/18467);

(t) Letter dated 12 November 1986 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/C.3/41/9).

5. At the 39th meeting, on 7 November, the United Nations High Commissioner for Refugees made an introductory statement (see A/C.3/41/SR.39).

6. At the 42nd meeting, on 11 November, the United Nations High Commissioner for Refugees made a concluding statement (see A/C.3/41/SR.42).

7. At the 54th meeting, on 24 November, upon the proposal of the Chairman, the Committee decided to take note of the report of the Joint Inspection Unit on the role of the Office of the United Nations High Commissioner for Refugees in Africa (A/41/380), and of the comments thereon of the Secretary-General (A/41/380/Add.1) (see para. 20, draft decision I).

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/41/L.46

8. At the 46th meeting, on 14 November, the representative of Cameroon, on behalf of the Member States that are members of the African Group, introduced a draft resolution (A/C.3/41/L.46) entitled "Second International Conference on Assistance to Refugees in Africa".

9. At the 50th meeting, on 19 November, the Committee adopted draft resolution A/C.3/41/L.46 without a vote (see para. 19, draft resolution I).

### B. Draft resolution A/C.3/41/L.47

10. At the 46th meeting, on 14 November, the representative of Cameroon, on behalf of the Member States that are members of the African Group, introduced a draft resolution (A/C.3/41/L.47) entitled "Measures of assistance provided to South African and Namibian refugee women and children".

11. At the 50th meeting, on 19 November, he orally revised the draft resolution by replacing the date "1987" in operative paragraph 4 by the date "1988".

12. At the same meeting, the Committee adopted draft resolution A/C.3/41/L.47, as orally revised, by a recorded vote of 127 to 2, with 8 abstentions (see para. 19, draft resolution II). The voting was as follows: 4/

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama,

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4/ Subsequently, the representative of Yemen indicated that her delegation had intended to vote in favour of the draft resolution, and the representative of the Gambia indicated that, had his delegation been present during the vote, it would have voted in favour of the draft resolution.

Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America, Yemen.

Abstaining: Belgium, France, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland.

13. After the adoption of the draft resolution, statements were made by the representatives of the Federal Republic of Germany, France, Japan, the United States of America and the United Kingdom of Great Britain and Northern Ireland.

#### C. Draft resolution A/C.3/41/L.51

14. At the 46th meeting, on 14 November, the representative of Denmark introduced draft resolution A/C.3/41/L.51, entitled "International procedures for the protection of refugees". At the same time, he proposed that consideration of the text be deferred until the forty-second session of the General Assembly in order to permit consultations to be held on the draft resolution.

15. At its 50th meeting, on 19 November, the Committee decided, in accordance with the proposal made by the representative of Denmark, to defer consideration of draft resolution A/C.3/41/L.51 until the forty-second session of the General Assembly (see para. 20, draft decision II).

#### D. Draft resolution A/C.3/41/L.56

16. At the 48th meeting, on 17 November, the representative of Sweden introduced a draft resolution (A/C.3/41/L.56), entitled "Office of the United Nations High Commissioner for Refugees", sponsored by Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Djibouti, the Dominican Republic, Egypt, Finland, France, the Gambia, Greece, Iceland, Italy, Japan, Malaysia, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Peru, the Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Spain, the Sudan, Sweden, Thailand and Zaire, subsequently joined by Cameroon, Colombia, Samoa and Somalia.

17. At its 50th meeting, on 19 November, the Committee adopted draft resolution A/C.3/41/L.56 without a vote (see para. 19, draft resolution III).

18. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/41/SR.50).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### DRAFT RESOLUTION I

##### Second International Conference on Assistance to Refugees in Africa

The General Assembly,

Recalling all its resolutions, particularly resolution 40/117 of 13 December 1985, relating to the Second International Conference on Assistance to Refugees in Africa,

Having considered the report of the Secretary-General on assistance to refugees in Africa, 5/

Mindful that the fundamental purpose of the Declaration and Programme of Action adopted by the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984, 6/ was to launch collective action by the international community aimed at achieving lasting solutions,

Gravely concerned at the persistent and serious problem of large numbers of refugees on the African continent,

Aware of the heavy burden borne by African countries of asylum on account of the presence of these refugees and its consequences for their economic and social development, and of the heavy sacrifices made by them, despite their limited resources,

Deeply concerned that the refugee situation has been severely affected by the critical economic situation in Africa, as well as by drought and other natural disasters,

Bearing in mind the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, 7/ adopted by the General Assembly at its thirteenth special session, the special session devoted to the

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5/ A/41/572.

6/ A/39/402, annex.

7/ Resolution S-13/2, annex.

critical economic situation in Africa, which refers in particular to the need for the speedy implementation of the recommendations of the Second International Conference on Assistance to Refugees in Africa,

Recognizing that the efforts of the countries of asylum require the concerted support of the international community to meet the needs for emergency relief, and for medium-term and long-term development aid,

Taking note of the declarations, decisions and resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-second ordinary session, held at Addis Ababa from 28 to 30 July 1986, 8/ and of the resolutions adopted by the Council of Ministers of the Organization of African Unity at its forty-fourth ordinary session, held at Addis Ababa from 21 to 26 July 1986, 9/ on the situation of refugees in Africa,

Emphasizing the collective responsibility of sharing the urgent and overwhelming burden of the problem of African refugees through effective mobilization of additional resources to meet the urgent and long-term needs of the refugees and to strengthen the capacity of countries of asylum to provide adequately for the refugees while they remain in those countries, as well as to assist the countries of origin in rehabilitating voluntary returnees,

Reiterating once again the vital importance of the complementarity between refugee aid and development assistance,

Deeply concerned that many of the projects submitted to the Second International Conference on Assistance to Refugees in Africa are yet to be funded and implemented,

Desirous of ensuring the speedy implementation of the recommendations and pledges made at the Second International Conference on Assistance to Refugees in Africa,

1. Expresses its deep appreciation to African host countries, which are the biggest donors, for their generous contribution and continuous efforts to alleviate the plight of refugees in spite of their critical economic situation;

2. Reiterates its appreciation to all donor countries, the organizations and specialized agencies of the United Nations system, regional organizations and intergovernmental and non-governmental organizations for their initial support and response to the projects submitted to the Second International Conference on Assistance to Refugees in Africa; 10/

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8/ A/41/654, annex II.

9/ Ibid., annex I.

10/ See A/41/572, annex.

3. Urges the international community to maintain the momentum created by the Conference and to translate into reality the projects submitted as well as the principles of the Declaration and Programme of Action agreed upon by the Conference;

4. Emphasizes the vital importance of the complementarity of refugee aid and development assistance and of achieving durable solutions to the problem of refugees in Africa and the necessity of providing assistance for the strengthening of the social and economic infrastructures of African countries receiving refugees and returnees;

5. Requests the United Nations High Commissioner for Refugees to continue to keep the situation of refugees in Africa under constant review so as to ensure that adequate assistance is available for care and maintenance and for bringing about durable solutions;

6. Requests the United Nations Development Programme to increase its efforts to mobilize additional resources for refugee-related development projects and, in general, to promote and co-ordinate with the host countries and the donor community the integration of refugee-related activities into national development planning;

7. Calls upon all Member States and organizations of the United Nations system concerned, as well as relevant regional, intergovernmental and non-governmental organizations, to intensify their support for the speedy implementation of the recommendations and pledges made at the Conference;

8. Requests the Secretary-General, in accordance with the Declaration and Programme of Action, to monitor, in consultation and close co-operation with the Organization of African Unity, the United Nations High Commissioner for Refugees and the United Nations Development Programme, the follow-up to the Conference;

9. Further requests the Secretary-General to report to the General Assembly at its forty-second session, through the Economic and Social Council, on the implementation of the present resolution.



DRAFT RESOLUTION II

Measures of assistance provided to South African  
and Namibian refugee women and children

The General Assembly,

Taking note of the report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi from 15 to 26 July 1985, 11/

Taking note also of the report of the Secretary-General on measures of assistance provided to women inside South Africa and Namibia and to women outside South Africa and Namibia who have become refugees as a result of the practice of apartheid, 12/

Recalling its resolutions 34/93 K of 12 December 1979, 35/206 N of 16 December 1980 and 36/172 K of 17 December 1981 on women and children under apartheid,

Recalling Economic and Social Council resolution 1986/25 of 23 May 1986 on measures of assistance provided to South African, Namibian and refugee women,

Noting with regret that during the United Nations Decade for Women: Equality, Development and Peace, the status of women living under apartheid in South Africa and Namibia has deteriorated,

Concerned about the special needs of women and children forced to flee from South Africa and Namibia who have become refugees as a result of the practice of apartheid,

1. Endorses Economic and Social Council resolution 1986/25 on measures of assistance provided to South African, Namibian and refugee women;

2. Calls upon all Governments, intergovernmental organizations and non-governmental organizations to intensify their support and solidarity with refugee women and children outside South Africa and Namibia and in front-line States, in particular:

(a) To provide for the widest possible dissemination of information about the situation of refugee women and children;

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11/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10).

12/ E/CN.6/1986/5.

(b) To provide legal, humanitarian and other assistance to refugee women and children and their families who are victims of apartheid;

(c) To provide assistance to women in the national liberation movements to enable them to attend major international conferences and seminars and to undertake speaking tours further to promote international solidarity with the oppressed women;

(d) To support the projects and activities of the southern African national liberation movements recognized by the Organization of African Unity, particularly those involving refugee women and children;

3. Requests the Secretary-General to ensure close co-ordination between United Nations bodies, in particular the Office of the United Nations High Commissioner for Refugees, the Centre for Social Development and Humanitarian Affairs, the Centre against Apartheid, the Centre for Human Rights and the United Nations Council for Namibia, as well as the Department of Public Information, with a view to maximizing publicity on the situation of refugee women and children;

4. Requests the Special Committee against Apartheid to include in its work programme for 1988 the organization of a seminar on the special needs and ways of increasing measures of assistance to South African and Namibian refugee women and children, in co-operation with other relevant United Nations bodies;

5. Decides to consider the measures of assistance provided to South African and Namibian refugee women and children under the item entitled "United Nations High Commissioner for Refugees" of the provisional agenda of its forty-second session.

### DRAFT RESOLUTION III

#### Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office, 13/ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of

its thirty-seventh session, 14/ and having heard the statements made by the High Commissioner on 7 and 11 November 1986, 15/

Recalling its resolution 40/118 of 13 December 1985,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner,

Noting with satisfaction that following recent accessions, 101 States are now parties to the 1951 Convention 16/ and the 1967 Protocol 17/ relating to the Status of Refugees, and endorsing the Geneva Declaration on the Convention adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-seventh session, 18/

Deeply concerned that refugees and displaced persons of concern to the High Commissioner continue to face distressingly serious problems in all parts of the world,

Particularly concerned that in various regions the safety and welfare of refugees and asylum-seekers continue to be seriously jeopardized on account of military or armed attacks and other forms of brutality,

Stressing the fundamental importance of the High Commissioner's function to provide international protection and the need for States to co-operate with the High Commissioner in the exercise of this essential function, particularly in view of the continued and persistent violations of the basic rights of refugees and asylum-seekers,

Emphasizing that there is a need to assist, on as wide a basis as possible, the efforts of the High Commissioner to promote durable and speedy solutions to the problems of refugees,

Emphasizing also that voluntary repatriation or return remains the most desirable solution to the problems of refugees and displaced persons of concern to the High Commissioner,

Emphasizing further the importance for the international community to continue to provide assistance and resettlement opportunities for those

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14/ Ibid., Supplement No. 12A (A/41/12/Add.1).

15/ See A/C.3/41/SR.39 and 42.

16/ United Nations, Treaty Series, vol. 189, No. 2545, p. 137.

17/ Ibid., vol. 606, No. 8791, p. 267.

18/ Official Records of the General Assembly, Forty-first Session, Supplement No. 12A (A/41/12/Add.1), para. 127.

refugees for whom no other durable solution may be in sight, particularly in regions where countries of first refuge continue generously to receive refugees arriving by land or by sea,

Commending States that, despite severe economic and development problems of their own, continue to admit large numbers of refugees and displaced persons into their territories,

Welcoming the valuable support extended by Governments to the High Commissioner in carrying out his humanitarian tasks,

Taking note of the observations of the Board of Auditors on financial management matters of the Office of the High Commissioner 19/ and the response to them by the High Commissioner, 20/

Welcoming the continuing and increasing co-operation between the Office of the High Commissioner and other bodies of the United Nations system, as well as intergovernmental and non-governmental organizations,

1. Commends the United Nations High Commissioner for Refugees and his staff for the dedicated and efficient manner in which they discharge their responsibilities and pays tribute to the four staff members who lost their lives in the course of their duties during the past year;
2. Strongly reaffirms the fundamental nature of the High Commissioner's function to provide international protection and the need for Governments to continue to co-operate fully with his Office in order to facilitate the effective exercise of this function, in particular by acceding to and implementing the relevant international and regional refugee instruments and by scrupulously observing the principles of asylum and non-refoulement;
3. Appeals to all States that have not yet become parties to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees to consider acceding to them in order to enhance their universal character;
4. Condemns all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements and other forms of brutality and the failure to rescue asylum-seekers in distress at sea;
5. Welcomes the fact that arrangements introduced by the High Commissioner have increased significantly the rescue of asylum-seekers in distress at sea and that preventive measures have resulted in a decline in the number of refugee boats attacked by pirates;

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19/ Ibid., Supplement No. 5E (A/41/5/Add.5), sect. I.

20/ Ibid., sect. II.

6. Urges all States, in co-operation with the Office of the High Commissioner and other competent international bodies, to take all measures necessary to ensure the safety of refugees and asylum-seekers;

7. Notes with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures and welcomes the conclusions on this subject adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-seventh session;

8. Recognizes the importance of fair and expeditious procedures for determining refugee status or granting asylum in order, inter alia, to protect refugees and asylum-seekers from unjustified or unduly prolonged detention or stay in camps, and urges States to establish such procedures;

9. Urges all States to support the High Commissioner in his efforts to achieve durable solutions to the problem of refugees and displaced persons of concern to his Office, primarily through voluntary repatriation or return, including assistance to returnees, as appropriate or, wherever appropriate, through integration into countries of asylum or resettlement in third countries;

10. Recognizes the importance of finding durable solutions to refugee problems and recognizes also that the search for durable solutions includes the need to address the causes of movements of refugees and asylum-seekers from their countries of origin, and takes note of the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees; 21/

11. Expresses deep appreciation for the valuable material and humanitarian response of receiving countries, in particular those developing countries that, despite limited resources, continue to admit, on a permanent or temporary basis, large numbers of refugees and asylum-seekers, and, reaffirming the principle of international solidarity and burden-sharing, urges the international community to assist receiving countries in order to enable them to cope with the additional burden created by the presence of those refugees and asylum-seekers;

12. Recognizes with appreciation the work done by the High Commissioner to put into practice the concept of development-oriented assistance to refugees and returnees, as initiated at the Second International Conference on Assistance to Refugees in Africa, 6/ and urges him to continue that process, wherever appropriate, in full co-operation with appropriate international agencies, and, further, urges Governments to support these efforts;

13. Emphasizes the essential role of development-oriented organizations and agencies in the implementation of programmes that benefit refugees and returnees and urges the High Commissioner to strengthen his co-operation with those organizations and agencies;

14. Commends all States, international agencies and non-governmental organizations that facilitate the attainment of durable solutions and contribute generously to the High Commissioner's programmes;

15. Notes with satisfaction the efforts undertaken by the High Commissioner to identify and meet the special needs of refugee women and children and urges him to continue these efforts;

16. Calls upon Governments to contribute, in a spirit of international burden-sharing, to the High Commissioner's programmes with the aim of ensuring that the needs of refugees, returnees and displaced persons of concern to the High Commissioner be met.

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20. The Third Committee recommends to the General Assembly the adoption of the following draft decisions:

#### DRAFT DECISION I

The General Assembly decides to take note of the report of the Joint Inspection Unit on the role of the Office of the United Nations High Commissioner for Refugees in Africa and of the comments of the Secretary-General on that report. 22/

#### DRAFT DECISION II

The General Assembly decides to defer consideration of the draft resolution entitled "International procedures for the protection of refugees" (A/C.3/41/L.51) until the forty-second session of the General Assembly in order to permit consultations to be held on the draft resolution.

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