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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Human rights and mass exoduses

Report of the Secretary-General

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I. INTRODUCTION

1. The question of human rights and mass exoduses has been a matter of concern to the Commission on Human Rights and the General Assembly since 1979 and 1980, respectively (see General Assembly resolutions 35/196 of 15 December 1980, 36/148 of 16 December 1981, 37/186 of 17 December 1982, 38/103 of 16 December 1983, 39/117 of 14 December 1984, 40/149 of 13 December 1985, 40/166 of 16 December 1985, 41/70 of 3 December 1986, 41/148 of 4 December 1986 and 42/144 of 7 December 1987, and Commission on Human Rights resolutions 30 (XXXVI) of 11 March 1980, 29 (XXXVII) of 11 March 1981, 1982/32 of 11 March 1982, 1983/35 of 8 March 1983, 1984/49 of 14 March 1984, 1985/40 of 13 March 1985, 1986/45 of 12 March 1986, 1987/56 of 11 March 1987 and 1988/70 of 10 March 1988. In their consideration of this question and in the resolutions yearly adopted by them on this matter, both the General Assembly and the Commission have reiterated their concern at the scale and magnitude of exoduses involving a very large number of persons in many regions of the world, and the human suffering resulting therefrom. They have also stressed the fact that massive exoduses of persons and groups are frequently the result of violations of human rights.

2. Since 1981, the General Assembly and the Commission on Human Rights have had before them a number of reports prepared, pursuant to their resolutions, by the Secretary-General, a special rapporteur and an ad hoc working group. At its thirty-seventh session, in 1981, the Commission had before it a report of the Secretary-General (E/CN.4/1440), submitted under paragraph 5 of Commission resolution 30 (XXXVI).

3. In 1981, the Commission on Human Rights, by resolution 29 (XXXVII), decided to appoint for a period of one year a special rapporteur to study the question of human rights and massive exoduses, and requested the special rapporteur to submit his study to the Commission at its thirty-eighth session.

4. In 1981, the General Assembly, by resolution 36/148, decided to establish the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees. The final report of the Group (A/41/324, annex) was submitted to the General Assembly at its forty-first session, in 1986.

5. In 1982, the Commission had before it a study on human rights and massive exoduses prepared by the Special Rapporteur (E/CN.4/1503). Chapter II of the study concerned the relationship between mass exodus and violations of human rights. The Special Rapporteur included among the recommendations he made at the end of his study "the introduction of an early-warning system based on impartial information gathering and data collection concerning potential mass exodus situations, leading to expeditious reporting to the Secretary-General of the United Nations and competent intergovernmental organs for the purpose of timely action, if required".

6. In 1983, the General Assembly had before it a report by the Secretary-General (A/38/538), pursuant to paragraph 5 of Assembly resolution 37/186, on human rights and mass exoduses. The report mainly contained remarks and comments made by Governments, United Nations agencies or departments, specialized agencies and

non-governmental organisations with regard to the recommendations contained in the study of the Special Rapporteur.

7. In 1987, the General Assembly, by resolution 42/144, requested "the Secretary-General to report to the General Assembly at its forty-third session on any developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees". At its forty-fourth session, the Commission on Human Rights, by resolution 1988/70, renewed "its request to the Secretary-General to inform the General Assembly at its forty-third session of action taken pursuant to the recommendations in paragraph 70 of the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (A/41/324, annex)". In compliance with paragraphs 6 and 5 respectively of the above-mentioned resolutions, the Secretary-General submits herewith to the General Assembly, at its forty-third session, his report on developments relating to, and action taken pursuant to, the recommendations mentioned above.

II. RECOMMENDATIONS OF THE GROUP OF GOVERNMENTAL EXPERTS ON INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES

8. In 1981, the General Assembly, by resolution 36/148, decided to establish a group of governmental experts of 17 members (which was later, pursuant to resolution 37/121, enlarged to 24 members, with one additional seat to be rotated between the Latin American, African and Asian regions, in that order) and requested it, in the light of the existing relevant international instruments, norms and principles, to undertake as soon as possible, in order to improve international co-operation to avert new massive flows of refugees, a comprehensive review of the problem in all its aspects, with a view to developing recommendations on appropriate means of international co-operation in that field, having due regard to the principle of non-intervention in the internal affairs of sovereign States. In deciding to establish the Group, the General Assembly expressed its grave concern at the "continuing massive flows of refugees in many parts of the world and the human suffering affecting millions of men, women and children who flee or are forcibly expelled from their homelands".

9. The Group submitted a report (A/40/385, annex) to the General Assembly at its fortieth session. The final report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (A/41/324, annex) was transmitted to the General Assembly at its forty-first session. The report contained the following recommendations:

"66. The General Assembly should call upon Member States, for the purpose of averting new massive flows of refugees, to respect in particular the following obligations:

"(a) States should respect the principles contained in the Charter of the United Nations and, in particular, refrain from the threat or use of force against the territorial integrity or political independence of any State, or

in any other manner inconsistent with the purposes of the United Nations, and from intervention in matters within the domestic jurisdiction of any State, in accordance with the Charter, since the violation of the aforementioned principles is particularly prone to cause new massive flows of refugees;

"(b) States should use peaceful means to resolve international disputes in such a manner that international peace and security as well as justice are not jeopardized and thus improve situations that suggest a danger of future flows of refugees, in accordance with the provisions of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

"(c) In view of their responsibilities under the Charter of the United Nations and consistent with their obligations under the existing international instruments in the field of human rights, States, in the exercise of their sovereignty, should do all within their means to prevent new massive flows of refugees. Accordingly, States should refrain from creating or contributing by their policies to causes and factors which generally lead to massive flows of refugees;

"(d) States should promote civil, political, economic, social and cultural rights and accordingly refrain from denying them to, and from discriminating against, groups of their population because of their nationality, ethnicity, race, religion or language, thus directly or indirectly forcing them to leave their country;

"(e) States should co-operate with one another in order to prevent future massive flows of refugees. They should promote international co-operation in all its aspects, in particular at the regional and subregional levels, as an appropriate and important means to avert such flows;

"(f) States should, wherever new massive flows of refugees occur, respect the existing generally recognised norms and principles of international law governing the rights and obligations of States and refugees directly concerned, including those pertaining to the rights of refugees to be facilitated in returning voluntarily and safely to their homes in their homelands and to receive adequate compensation therefrom, where so established, in cases of those who do not wish to return;

"(g) States, individually and collectively, should make provisions and take appropriate measures to avert new flows of refugees which may be caused by natural disasters, as appropriate, with the support of the relevant international organisations. In the event these natural disasters or other similar situations occur, States should assist the States concerned to the best of their abilities in order to alleviate the situation, as well as to avert new massive flows of refugees.

"67. Taking into account the foregoing, the General Assembly should call upon Member States to co-operate with one another and with the Security Council,

the General Assembly, the Economic and Social Council, the Secretariat and other relevant organs of the United Nations in a fuller and more timely manner for the prevention of new massive flows of refugees and to turn to these organs at the earliest possible stage of the development of such situations.

"68. The main organs of the United Nations are urged to make fuller use of their respective competences under the Charter for the prevention of new massive flows of refugees, with a view to considering at the earliest possible stage situations and problems which could give rise to massive flows of refugees.

"69. Furthermore, the General Assembly should consider calling upon Member States to comply vigorously with the decisions of the Security Council and to respect the decisions and recommendations of the General Assembly, the Economic and Social Council and other organs pertaining to the prevention of massive flows of refugees.

"70. With a view to improving international co-operation for the prevention of new massive flows of refugees, the General Assembly should encourage the Secretary-General to make full use of his competences. To this effect, he should, in particular, in accordance with the Charter of the United Nations, as well as the relevant mandates of the competent United Nations organs:

"(a) Give continuing attention to the question of averting new massive flows of refugees;

"(b) Ensure that timely and fuller information relevant to the matter is available within the Secretariat;

"(c) Improve co-ordination within the Secretariat for analysing the information, so as to obtain an early assessment on the situations which might give rise to new massive flows of refugees, and to make the necessary information available to the competent United Nations organs in consultation with the States directly concerned;

"(d) Help improve the co-ordination, within the Secretariat, of the efforts of United Nations organs and specialised agencies and of Member States concerned for timely and more effectively action;

"(e) Consider taking such measures as are necessary for the purposes enumerated in this paragraph.

"71. In the fulfilment of his mandate in the area of international co-operation to avert new massive flows of refugees, the Secretary-General should act within the limits of financial and personnel resources available to the Secretariat. In doing so, he should bear in mind the ongoing efforts to improve the efficiency of the administrative and financial functioning of the United Nations and, without prejudice to his administration competences and functions, should refrain from creating new divisions or posts for this purpose.

"72. In the selection of projects, the relevant economic assistance agencies and other bodies of the United Nations should consider, in consultation with the States directly concerned, giving greater support to those projects that directly or indirectly could help avert new massive refugee flows resulting from the impact of social and economic factors or natural causes in a given region."

III. ACTION TAKEN BY THE SECRETARY-GENERAL

10. Taking into account the requests addressed to him by the General Assembly in its resolutions on human rights and mass exoduses, and the recommendations contained in paragraph 70 of the above-mentioned report, the Secretary-General, on 1 March 1987, established, as part of the emerging system for undertaking early warning activities, the Office for Research and Collection of Information, to which he assigned, inter alia, the responsibility of providing early warning of developing situations requiring the Secretary-General's attention and monitoring factors related to possible refugee flows and comparable emergencies.

11. In the performance of its tasks, the Office endeavours to obtain from published materials, United Nations information centres and contacts within the United Nations system information that can assist the Secretary-General to bring factors that may cause new flows of refugees to the attention of the Governments concerned, the relevant United Nations organs, and, where appropriate, international humanitarian agencies that may be in a position to provide assistance. The Secretary-General, after considering the information so assembled, determines the most appropriate manner for dealing with situations drawn to his attention. Governments and international humanitarian agencies have already been contacted by the Secretary-General.

12. In order to improve its capacity to provide such service to the Secretary-General, the Office has been involved in an intensive ongoing effort to identify existing refugee-related activities and information systems and channels of communication in the United Nations system, so that it can work from a properly co-ordinated base, integrating the wide range of multilateral activities in this field. Needless to say, co-ordination in a matter as delicate as the issue assigned to the Office requires careful thinking and implementation.

13. Moreover, the Office has endeavoured to survey the existing non-governmental organizations and services that are active in the field to the extent that they play a role in the monitoring of possible flows of refugees. There is an abundance of non-governmental organizations engaged in research and charitable work that often prefer to carry out their projects in as unpolitical a fashion as possible and for which the idea of a link, however tenuous, with the United Nations system is *prima facie* undesirable. Research into what these non-governmental organizations do and how they can be approached is continuing and the final results will affect the Office's involvement regarding refugees and human exoduses to a considerable degree.

14. The general work of the Office in the area of early warning regarding emergent political problems, including monitoring of refugee flows, continues to expand, as

it searches for suitable computer software and hardware. Once the overall early warning capacity is fully established, the parallel function pertaining to possible refugee flows will also be administered effectively and in a timely fashion.

15. The Office, through its Head, has been able to alert the Secretary-General on a number of occasions to emergent international crises, which in some cases also involve aspects of the status of refugees and the creation of new refugee flows. This activity is bound to expand as the Office stabilizes its structure and strengthens its ties both inside and outside the United Nations system.

IV. VIEWS AND INFORMATION RECEIVED FROM GOVERNMENTS

16. In compliance with paragraph 6 of General Assembly resolution 42/144, the Secretary-General, on 30 August 1988, sent a note verbale to all Governments requesting them to provide any views or information that they wished to submit on recent developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees quoted above.

17. At the time the present report was finalized, a reply had been received from the Government of Brazil, in which it recalled its strong support for Assembly resolution 42/144 on human rights and mass exoduses. As a member of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, Brazil had been following the development of refugee issues in different regions of the world. Brazil expressed its concern at the emergence of massive flows of refugees, which it considered to be a complex problem with undeniable destabilizing effects. It further deemed it essential that international co-operation in that particular field be intensified, at all levels, as recommended in paragraph 3 of resolution 42/144. Brazil participated in the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, held at Oslo from 22 to 24 August 1988. On that occasion, the Brazilian delegation expressed its deep concern on the subject and declared that the magnitude of exoduses of refugees and displacement of populations in that region, as well as the violation of the human rights and the suffering of those displaced persons, were a direct result of the persistent policies of apartheid carried out by the Government of South Africa. With regard to Latin America, Brazil, as a member of the Contadora Group and its Support Group, as well as of the Executive Committee of UNHCR, continued to support the proposed holding of an international conference in the region. Such a conference would be an important development conducive to a renewed political dialogue in the region. Brazil was in favour of the main thrust of the conclusions and recommendations in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, and believed that international co-operation in that field should address natural causes, with a view to helping to reduce, or even prevent, the consequences of natural disasters. Brazil participated in the work of the Office of the United Nations Disaster Relief Co-ordinator and welcomed the designation of the 1990s as an international decade for natural disaster reduction, as a means to increase public awareness of such issues and to promote international co-operation in that field within the United Nations system.