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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Report of the Third CommitteeRapporteur: Mr. Paul-Désiré KABORE (Burkina Faso)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fortieth 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 37th to 41st and 49th meetings, on 11 to 13 and 21 November 1985. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/40/SR.37-41 and 49).

3. The Committee decided to consider item 105 together with the relevant chapters of the report of the Economic and Social Council (agenda item 12) pertaining to specific cases of providing assistance to refugees.

4. In connection with item 105, the Committee had before it the following documentation.

(a) Report of the Economic and Social Council, chapter III, section I (A/40/3); 1/

(b) Report of the United Nations High Commissioner for Refugees; 2/

(c) Assistance to refugees in Africa: report of the Secretary-General (A/40/425);

(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 South-East Asia (1979-1983)" (A/40/135) and comments of the Secretary-General (A/40/135/Add.1);

(e) Letter dated 15 January 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/88-S/16898);

(f) Letter dated 15 January 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/89-S/16899);

(g) Letter dated 5 February 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/117-S/16940);

(h) Letter dated 25 April 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/267-E/1985/69);

(i) Letter dated 17 July 1985 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (A/40/491-S/17344);

(j) Letter dated 17 July 1985 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (A/40/492-S/17345);

(k) Letter dated 23 July 1985 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/40/501);

1/ To be issued as Official Records of the General Assembly, Fortieth Session, Supplement No. 3 (A/40/3/Rev.1).

2/ Official Records of the General Assembly, Fortieth Session, Supplements No. 12 and 12A (A/40/12 and Add.1).

(l) Letter dated 23 September 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/678-S/17492);

(m) Letter dated 14 October 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/750-S/17565).

5. In connection with the relevant chapters of the report of the Economic and Social Council pertaining to specific cases of providing assistance to refugees, the Committee had before it the following documentation:

(a) Assistance to refugees in Somalia: report of the United Nations High Commissioner for Refugees (A/40/586);

(b) Assistance to displaced persons in Ethiopia: report of the Secretary-General (A/40/587);

(c) Humanitarian assistance to refugees in Djibouti: report of the United Nations High Commissioner for Refugees (A/40/588);

(d) Situation of refugees in the Sudan: report of the Secretary-General (A/40/589);

(e) Assistance to student refugees in southern Africa: report of the United Nations High Commissioner for Refugees (A/40/590).

6. At the 37th meeting, on 11 November, the United Nations High Commissioner for Refugees made an introductory statement.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/40/L.42

7. At the 49th meeting, on 21 November, the representative of Mauritius introduced a draft resolution (A/C.3/40/L.42) entitled "Second International Conference on Assistance to Refugees in Africa", on behalf of the States Members of the United Nations that are members of the Group of African States.

8. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 17, draft resolution I).

B. Draft resolution A/C.3/40/L.43

9. At the 49th meeting, the representative of Norway introduced a draft resolution (A/C.3/40/L.43) entitled "Report of the United Nations High Commissioner for Refugees", sponsored by Argentina, Australia, Austria, Bangladesh, Belgium, Canada, Cyprus, Denmark, Djibouti, the Dominican Republic, Egypt, Finland, France, the Gambia, Germany, Federal Republic of, Greece, Iceland, Italy, Japan, Lesotho,

the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Portugal, Senegal, Sierra Leone, Spain, the Sudan, Sweden, Thailand and Zaire as well as Bolivia and Honduras, subsequently joined by Costa Rica and Morocco. The representative of Norway orally revised the draft resolution by replacing the word "frequently" in the twelfth preambular paragraph by the words "in some cases".

10. At the same meeting, after an exchange of views, the representative of Norway further orally revised the draft resolution as follows: at the end of the twelfth preambular paragraph, the words "in some cases exposes them to physical violence, sexual abuse and discrimination" were replaced by "in many cases exposes them to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being". Subsequently, Pakistan became a sponsor of the draft resolution as orally revised.

11. A statement by the Secretary-General on the programme budget implications of the decision of the Executive Committee (see A/40/12/Add.1, para. 222) is contained in document A/C.3/40/L.38.

12. The representative of the United Kingdom of Great Britain and Northern Ireland stated that her delegation wished to hear the views of the Office of Financial Services concerning the financial implications of document A/C.3/40/L.38 and its relationship with draft resolution A/C.3/40/L.43.

13. The representative of the Office of Financial Services explained the contents of document A/C.3/40/L.38 and pointed out that draft resolution A/C.3/40/L.43 had no financial implications.

14. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.43, as orally revised, without a vote (see para. 17, draft resolution II).

C. Draft resolution A/C.3/40/L.44

15. At the 49th meeting, the representative of the Sudan introduced a draft resolution (A/C.3/40/L.44) entitled "Expression of appreciation to the United Nations High Commissioner for Refugees", sponsored by Colombia, Denmark, Germany, Federal Republic of, Mexico, Pakistan, the Sudan, Thailand and the United States of America as well as China, Indonesia, the Philippines and Zaire, subsequently joined by Costa Rica, Djibouti, Egypt, France, Gabon and Rwanda.

16. At the same meeting, the Committee adopted draft resolution A/C.3/40/L.44 without a vote (see para. 17, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. 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 its resolutions 37/197 of 18 December 1982, 38/120 of 16 December 1983 and 39/139 of 14 December 1984 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, 3/

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, 4/ 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,

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- and long-term development aid,

Taking note of the declaration and resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-first session, held at Addis Ababa from 10 to 20 July 1985, and of the resolutions adopted by the Council of Ministers of the Organization of African Unity, held at Addis Ababa from 10 to 17 July 1985, in particular CM/Res.989 (XLII), on the situation of refugees in Africa, 5/

3/ A/40/425.

4/ See A/39/402, and Add.1 and 2.

5/ See A/40/666.

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

Desirous of ensuring the speedy implementation of the recommendations and pledges made at the Conference,

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;
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 in the Declaration and Programme of Action agreed upon by the Conference; 6/
4. Emphasizes the vital importance of the complementarity of refugee aid and development assistance and of achieving durable solutions to the problems 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 concerned organizations of the United Nations system, as well as relevant regional, intergovernmental and non-governmental organizations, to lend their support to 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 of the Conference;

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

DRAFT RESOLUTION II

Report 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, 7/ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its thirty-sixth session, 8/ and having heard the statement made by the High Commissioner on 11 November 1985, 9/

Recalling its resolution 39/140 of 14 December 1984,

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

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, acts of piracy and other forms of brutality,

7/ Official Records of the General Assembly, Fortieth Session, Supplement No. 12 (A/40/12).

8/ Ibid., Supplement No. 12A (A/40/12/Add.1).

9/ See A/C.3/40/SR.37.

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

Emphasizing also the importance for the international community to continue to provide assistance and resettlement opportunities for refugees for whom no other durable solution may be in sight, notably 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 developmental problems of their own, continue to admit large numbers of refugees and displaced persons into their territories,

Noting with deep appreciation the valuable support extended by many Governments to the High Commissioner in the performance of his humanitarian tasks,

Deeply concerned by the shortage of funds faced by the High Commissioner and its consequences for his ability to fulfil his mandate,

Noting with satisfaction the efforts of the High Commissioner, in the field of international protection, to address the special problems of refugee and displaced women and children resulting from their vulnerable position, which in many cases exposes them to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being,

Noting with satisfaction and encouraging the continuing and increasing co-operation between the Office of the High Commissioner and bodies of the United Nations system, as well as intergovernmental and non-governmental organizations,

Desirous of ensuring the speedy implementation of the recommendations and pledges made at the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984, 10/

1. Commends the United Nations High Commissioner for Refugees and his staff for the dedicated and efficient manner in which they discharge their responsibilities;

10/ See A/39/402 and Add.1 and 2.

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. 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 by the failure to rescue asylum-seekers in distress at sea;

4. 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;

5. 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;

6. Further 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;

7. Endorses the conclusions on voluntary repatriation adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-sixth session 8/ and urges States to extend their full co-operation to the High Commissioner to that effect;

8. Expresses its warm appreciation for 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, and urges him to continue that process, wherever appropriate, in co-operation with the World Bank, the United Nations Development Programme and other organizations, and, further, urges Governments to support these efforts;

9. Commends the High Commissioner's programmes for refugee and displaced women, especially those undertaken to secure their protection and to help them to become self-sufficient through educational, vocational and income-generating projects;

10. 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 their presence;

11. Commends all States that facilitate the attainment of durable solutions and contribute generously to the High Commissioner's programmes;

12. Expresses deep appreciation of the valuable co-operation between the Office of the High Commissioner and intergovernmental and non-governmental agencies;

13. Calls upon all States to promote durable solutions and to contribute generously to the High Commissioner's humanitarian programmes in order to assist refugees, returnees and displaced persons of concern to the High Commissioner in a spirit of international solidarity and burden-sharing.

DRAFT RESOLUTION III

Expression of appreciation to the United Nations High Commissioner for Refugees

The General Assembly,

Noting with deep regret that the United Nations High Commissioner for Refugees will shortly be relinquishing his duties,

Recognizing the significant progress achieved under his guidance in promoting humanitarian solutions to the problems of refugees and displaced persons in various parts of the world,

Considering his unrelenting efforts to alleviate human suffering through the special humanitarian tasks entrusted to him in addition to the original functions of his Office,

1. Expresses its sincere appreciation and thanks to Mr. Poul Hartling for the effective and dedicated manner in which he has performed his functions as United Nations High Commissioner for Refugees;

2. Extends its good wishes to him for success in his future undertakings.
