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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Report of the Third Committee

Rapporteur: Mr. Karl BORCHARD (Federal Republic of Germany)

I. INTRODUCTION

1. At its 4th plenary meeting, on 24 September 1982, the General Assembly decided to include in its agenda the item entitled:

"Office of the United Nations High Commissioner for Refugees:

"(a) Report of the High Commissioner;

"(b) Question of the continuation of the Office of the High Commissioner;

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

and to allocate it to the Third Committee.

2. The Committee considered this item at its 41st, 43rd to 46th, 48th, 58th, 59th, 61st and 62nd meetings, from 15 to 18 and on 30 November and from 1 to 3 December 1982. An account of the discussion of the Committee is contained in the relevant summary records (see A/C.3/37/SR.41, 43-46, 48, 58, 59, 61 and 62).

3. The Committee decided to consider item 90 together with the relevant chapters of the report of the Economic and Social Council (item 12) pertaining to specific cases of providing assistance to refugees.

4. In connection with item 90, the Committee had before it the following documentation:

- (a) Report of the United Nations High Commissioner for Refugees; 1/
- (b) Report of the Economic and Social Council, chapter III, sections C and G, and chapter IX, section F (A/37/3 (Parts I and II)); 2/
- (c) International Conference on Assistance to Refugees in Africa: report of the Secretary-General (A/37/522);
- (d) Letter dated 8 February 1982 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/37/84 and Corr.1);
- (e) Letter dated 30 June 1982 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General, transmitting excerpts from the joint communiqué issued on 16 June 1982 by the Foreign Ministers of the Association of South-East Asian Nations (A/37/324-S/15268);
- (f) Letter dated 3 September 1982 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/37/431-S/15389);
- (g) Letter dated 10 September 1982 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/37/438);
- (h) Letter dated 29 September 1982 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General (A/37/505);
- (i) Letter dated 18 October 1982 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/37/557).

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) Report of the Secretary-General on the situation of refugees in the Sudan (A/37/178);
- (b) Report of the Secretary-General on assistance to refugees in Somalia (A/37/419);
- (c) Report of the Secretary-General on humanitarian assistance to refugees in Djibouti (A/37/420);

1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12) and Supplement No. 12 A (A/37/12/Add.1).

2/ To be issued as Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 3 (A/37/3).

(d) Report of the Secretary-General on assistance to student refugees in South Africa (A/37/495 and Corr.1);

(e) Report of the Secretary-General on humanitarian assistance to refugees in the Sudan (A/37/519).

6. At the 41st meeting, on 15 November, the United Nations High Commissioner for Refugees made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/37/L.44

7. At the 58th meeting, on 30 November, the representative of Sweden introduced a draft resolution (A/C.3/37/L.44) entitled "Report of the United Nations High Commissioner for Refugees", sponsored by Australia, Belgium, Canada, Costa Rica, Denmark, Djibouti, Finland, Greece, Iceland, Italy, New Zealand, Norway, Pakistan, Portugal, the Sudan, Sweden, Thailand, and the United Republic of Tanzania, subsequently joined by Madagascar.

8. At the 59th meeting, on 1 December, the Committee adopted the draft resolution without a vote (see para. 16, draft resolution I).

B. Draft resolution A/C.3/37/L.45

9. At the 58th meeting, on 30 November, the representative of Sweden introduced a draft resolution (A/C.3/37/L.45) entitled "Continuation of the Office of the United Nations High Commissioner for Refugees", sponsored by Australia, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Italy, Japan, the Netherlands, New Zealand, Norway, Pakistan, the Sudan, Sweden, Thailand, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America as well as Bangladesh, Malaysia and the United Republic of Cameroon, subsequently joined by Ethiopia.

10. At the 59th meeting, on 1 December, the Committee adopted the draft resolution without a vote (see para. 16, draft resolution II).

C. Draft resolution A/C.3/37/L.43

11. At the 58th meeting, on 30 November, the representative of Kenya, in her capacity as Chairman of the African Group for the month of November, introduced a draft resolution (A/C.3/37/L.43) entitled "International Conference on Assistance to Refugees in Africa", on behalf of the Member States members of the African Group. In introducing the draft resolution, she orally revised the text by inserting the following new operative paragraph after paragraph 10:

"11. Stresses that any additional assistance provided for refugee-related projects should not be at the expense of the concerned countries' own development needs;".

The remaining paragraph was renumbered accordingly.

12. A statement by the Secretary-General on the administrative and financial implications of the draft resolution was circulated to the Committee in document A/C.3/37/L.61.

13. At the 61st meeting, on 2 December, the representative of the Libyan Arab Jamahiriya, as Chairman of the African Group for the month of December, orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "growing number" were replaced by the words "present influx" before the words "of refugees";

(b) In the fourth preambular paragraph, the words "of the African countries" were added at the end of the paragraph;

(c) In operative paragraph 5 (b), the word "Provide" before the words "additional assistance" was replaced by "Consider the continuing need for assistance with a view to providing, as necessary,".

14. At the same meeting, the representative of the Libyan Arab Jamahiriya, taking into account a proposal by the representative of Morocco, further revised the draft resolution by adding the words "and for this purpose to reallocate existing resources;" at the end of operative paragraph 6.

15. At the same meeting, the Committee voted on draft resolution A/C.3/37/L.43, as orally revised, as follows:

(a) Operative paragraph 5 was adopted by 105 votes to none, with 4 abstentions;

(b) The draft resolution, as a whole, as orally revised, was adopted without a vote (see para. 16, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

DRAFT RESOLUTION I

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, 3/ as well as the report of the Executive Committee of the High Commissioner's Programme on its thirty-third session, 4/ and having heard the High Commissioner's statement, 5/

Recalling its resolutions 36/124 and 36/125 of 14 December 1981,

Reaffirming the eminently humanitarian and non-political character of the activities of the Office of the High Commissioner on behalf of refugees, returnees and displaced persons of concern to the Office,

Expressing deep concern that the problems of refugees and displaced persons remain distressingly serious, especially in Africa, Asia and Latin America,

Considering that, despite some encouraging development, substantial efforts to aid refugees and displaced persons of concern to the Office of the High Commissioner continue to be needed, in particular through the promotion of durable and speedy solutions to their problems in accordance with the statute of the Office,

Welcoming the increasing number of accessions by States to the 1951 Convention 6/ and the 1967 Protocol 7/ relating to the Status of Refugees,

Noting with deep concern that serious violations of the basic rights of refugees and displaced persons that are the concern of the Office have continued,

Deploring, in particular, the instances of military attacks on refugee camps in southern Africa and elsewhere,

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12).

4/ Ibid., Supplement No. 12A (A/37/12/Add.1).

5/ See A/C.3/37/SR.41.

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

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

Noting that many assistance programmes have evolved from the emergency phase to a state of consolidation,

Noting with great appreciation the positive responses of Governments to the problems of refugees and displaced persons of concern to the Office through offers of asylum, voluntary repatriation, rehabilitation, local settlement, resettlement and financial contributions, as well as the generous support given to the Office in its humanitarian task,

Noting with appreciation the report of the Secretary-General on the International Conference on Assistance to Refugees in Africa, 8/

1. Commends the United Nations High Commissioner for Refugees and his staff for the valuable work that the Office continues to perform on behalf of refugees, returnees and displaced persons of concern to the Office;
2. Reaffirms the fundamental nature of the High Commissioner's international protection function and the need for Governments to co-operate fully with the High Commissioner to facilitate the effective exercise of this essential function, in particular by acceding to and fully implementing the relevant international and regional instruments and by scrupulously observing the principles of asylum and non-refoulement;
3. Deplores the continued serious violations of the basic rights of refugees and displaced persons of concern to the Office, in particular through military attacks on refugee camps and settlements in southern Africa and elsewhere, refoulement and arbitrary detention, and stresses the need to strengthen measures to protect them against such violations;
4. Welcomes, within the context of the effort of the international community to share the burden of caring for refugees, the work of the High Commissioner in examining the problems associated with providing refuge on a temporary basis to asylum-seekers in situations of large-scale influx with a view to finding durable solutions, and requests him to continue the work in this regard;
5. Notes with appreciation the major contribution by countries in giving asylum to, or otherwise accepting on a temporary basis, and assisting large numbers of refugees and displaced persons of concern to the Office of the High Commissioner;
6. Stresses the High Commissioner's role in promoting durable and speedy solutions, in consultation and agreement with the countries concerned, to the problems of refugees and displaced persons facing his Office through voluntary repatriation or return and, whenever appropriate, subsequent assistance in rehabilitation of returnees, resettlement in other countries or integration in countries of asylum, and urges Governments to extend the necessary co-operation to support the High Commissioner's efforts in this regard;

7. Urges the High Commissioner to intensify his efforts to provide humanitarian assistance to refugees and displaced persons of concern to his Office, especially to the large numbers in Africa, Asia and Latin America;

8. Stresses the importance of maintaining relief efforts and the resettlement momentum for boat and land cases in South-East Asia, where large numbers of refugees and displaced persons have been admitted on a temporary basis, including the Programme of Orderly Departure;

9. Takes note of the efforts already made by the High Commissioner to adapt the management practices and staffing policy of his Office to the vastly increased tasks and invites him to continue these efforts in line with the relevant resolutions of the General Assembly and decisions of the Executive Committee of the High Commissioner's Programme;

10. Requests the High Commissioner to co-ordinate closely the efforts of his Office in the field of humanitarian assistance with those of other relevant bodies both within and outside the United Nations system, in accordance with the relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Administrative Committee on Co-ordination;

11. Requests further the High Commissioner to continue participating in the follow-up of the International Conference on Assistance to Refugees in Africa and to intensify his assistance to refugees in Africa;

12. Calls upon the international community to share the burden of providing appropriate durable solutions to the problems of refugees and displaced persons of concern to the Office of the High Commissioner the world over, taking into account residual problems as well as the economic and demographic absorption capacity of the countries concerned;

13. Urges all Governments in a position to do so to support and contribute generously to the High Commissioner's humanitarian programmes.

DRAFT RESOLUTION II

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

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees, 9/

9/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12) and Ibid., Supplement No. 12 A (A/37/12/Add.1)

Recalling its resolution 32/68 of 8 December 1977, in which it decided to review, not later than at its thirty-seventh session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1983,

Recalling further its resolutions 1166 (XII) of 26 November 1957 and 1673 (XVI) of 18 December 1961 and Economic and Social Council resolution 672 (XXV) of 30 April 1958 on the establishment of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Recognizing the great continuing need for international action on behalf of refugees and displaced persons of concern to the High Commissioner,

Expressing its concern at the persistence and gravity of the problems of refugees and displaced persons of concern to the High Commissioner in all parts of the world, particularly in different parts of Africa, Asia and Latin America,

Considering the valuable work that has been performed by the Office of the High Commissioner in providing international protection and assistance to refugees and displaced persons of concern to the High Commissioner and in promoting permanent solutions to their problems,

1. Decides to continue the Office of the United Nations High Commissioner for Refugees for a further period of five years from 1 January 1984;

2. Requests the High Commissioner to continue to discharge his basic functions of protection, assistance and the promotion of durable solutions in accordance with the statute of the Office and relevant General Assembly resolutions;

3. Invites the High Commissioner to continue to report to and be guided by the Executive Committee of the High Commissioner's Programme in accordance with the Committee's terms of reference, and its decisions, as set out in General Assembly resolution 1166 (XII) and Economic and Social Council resolution 672 (XXV);

4. Reiterates that the responsibilities of the Executive Committee of the High Commissioner's Programme shall continue to cover the determination of the general policies by means of periodic review of programmes, operations, management and activities under which the High Commissioner shall plan, develop and administer the programmes and projects;

5. Urges, in this regard, the Executive Committee of the High Commissioner's Programme, when fulfilling the functions and the responsibilities entrusted to it by the relevant resolutions of the General Assembly and the Economic and Social Council, to ensure the efficient use of funds and to give special attention to the successful administration and management of programmes;

6. Takes note of the efforts already made by the High Commissioner to adapt the management of his services to their vastly increased tasks and invites him to undertake his efforts in accordance with the principles and guidelines set by the General Assembly, and in the light of the guidance given to him by the Executive Committee of the High Commissioner's Programme;

7. Decides to review, not later than at its forty-second session, the arrangements for the Office of the United Nations High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1988.

DRAFT RESOLUTION III

International Conference on Assistance to Refugees in Africa

The General Assembly,

Recalling its resolutions 35/42 of 25 November 1980 and 36/124 of 14 December 1981 on the International Conference on Assistance to Refugees in Africa,

Having considered the reports of the Secretary-General on the International Conference on Assistance to Refugees in Africa, 10/ and the report of the United Nations High Commissioner for Refugees 11/ on the activities of his Office,

Gravely concerned at the present influx of refugees in the African continent, who now constitute over half of the population of refugees in the world,

Noting that, while the Conference succeeded in raising world consciousness about the plight of refugees and returnees in Africa, as well as the problems of asylum countries, the overall results of the Conference in terms of financial and material assistance have fallen short of the expectations of the African countries,

Aware of the economic and social burden imposed on African countries of asylum by the growing influx of refugees and its consequences for their development and of the heavy sacrifices made by them, despite their limited resources, to alleviate the plight of these refugees,

Considering, therefore, the need of the countries of asylum for adequate human, technical and financial assistance to enable them properly to shoulder their increased responsibilities and assume the additional burden that the presence of refugees represents for their economies,

Considering further the need to assist similarly the countries of origin in the voluntary repatriation and resettlement of returnees, as set out in the procedures of the Office of the United Nations High Commissioner for Refugees,

Recognizing therefore the need to further review, with the African Governments concerned, the burden imposed on their national economies by refugees and returnees,

10/ E/1982/76 and A/37/522.

11/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12) and Ibid., Supplement No. 12A (A/37/12/Add.1).

1. Commends the Secretary-General for his reports 12/ on the International Conference on Assistance to Refugees in Africa, which were prepared in pursuance to paragraph 6 of its resolution A/36/124 of 14 December 1981;

2. Expresses its appreciation to all donor countries, the United Nations High Commissioner for Refugees and the international community at large for their continued support and assistance to African refugees, including their efforts to facilitate the process of voluntary repatriation to their countries of origin;

3. Expresses its concern that the assistance currently being provided under existing refugee-related programmes falls short of the urgent needs of refugees and returnees in Africa and does not provide sufficient resources to enable the implementation of projects designed to ensure adequate care and relief for the refugees and to expedite the process of rehabilitation and resettlement;

4. Extends its appreciation to the countries of asylum for the great contribution that they are making in alleviating the plight of refugees and urges the international community to give the necessary assistance to enable those countries to provide essential services and facilities for the refugees;

5. Requests the Secretary-General, in close co-operation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to convene at Geneva in 1984 a second International Conference on Assistance to Refugees in Africa:

(a) To review thoroughly the results of the Conference held in 1981 as well as the state of the progress of projects submitted to it;

(b) To consider the continuing need for assistance with a view to providing, as necessary, additional assistance to refugees and returnees in Africa for the implementation of programmes for their relief, rehabilitation and resettlement;

(c) To consider the impact imposed on the national economies of the African countries concerned and to provide them with required assistance to strengthen their social and economic infrastructure to cope with the burden of dealing with large numbers of refugees and returnees;

6. Requests further the Secretary-General, in close co-operation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, to consult with the concerned African countries with regard to their needs for dealing adequately with the problem of refugees and returnees and, in this respect, to submit a report on the situation in each country to enable the proposed Conference to have an up-to-date assessment, by priority, of the humanitarian, rehabilitation and resettlement needs of the refugees and returnees, and the assistance required by the countries concerned to strengthen existing services, facilities and infrastructure and, for this purpose, to reallocate existing resources;

7. Calls upon the competent specialized agencies and organizations of the United Nations system, including the developmental organizations, to provide all necessary co-operation and support to the Secretary-General in respect of the report to be prepared for the Conference to be held in 1984, as mentioned in paragraph 6 above;

8. Requests the Secretary-General to ensure that adequate financial and budgetary arrangements are made to cover the expenses for the preparation of the report called for in paragraph 6 above, as well as for the organization of the Conference in 1984;

9. Appeals to the international community, all Member States, the specialized agencies and regional, intergovernmental and non-governmental organizations to provide the utmost support for the Conference with a view to offering maximum financial and material assistance to refugees and returnees in Africa;

10. Invites governmental bodies of specialized agencies, intergovernmental and non-governmental organizations to bring this resolution to the attention of their members and to consider, within their sphere of competence, various ways and means to increase substantially assistance to African refugees and returnees;

11. Stresses that any additional assistance provided for refugee-related projects should not be at the expense of the concerned countries' own development needs;

12. Requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the implementation of the present resolution.
