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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Austria, Belgium, Canada, Costa Rica, Denmark, El Salvador, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Italy, Japan, Netherlands, Nicaragua, Nigeria, Norway, Panama, Portugal, Rwanda, Senegal, Somalia, Spain, Sudan, Swaziland, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, Zaire, Zambia and Zimbabwe; draft resolution

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, 1/ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its thirty-ninth session, 2/ and having heard the statements made by the High Commissioner on 16 and 18 November 1988,

Recalling its resolution 42/109 of 7 December 1987,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, which are undertaken in the common interest of humanity,

1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 12 (A/43/12).

2/ Ibid., Supplement No. 12A (A/43/12/Add.1).

Noting with satisfaction that, following recent accessions, one hundred and five States are now parties to the 1951 Convention 3/ and/or 1967 Protocol 4/ relating to the Status of Refugees,

Noting with concern that, despite developments which offer hope for solutions to refugee problems, refugees and displaced persons of concern to the High Commissioner continue to face, in certain situations, distressingly serious problems,

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 violence, and noting that further efforts should be made in dealing with the problem of rescuing asylum-seekers in distress at sea and, in this context, also noting the problems relating to stowaway asylum-seekers,

Stressing the fundamental importance of the High Commissioner's function to provide international protection, particularly in the context of the increasing complexity of the contemporary refugee problem, and the need for States to co-operate with the High Commissioner in the exercise of this essential function,

Noting the efforts of the High Commissioner to continue to address the special problems and needs of refugee and displaced women and children, who in many cases are exposed to a variety of difficult situations affecting their physical and legal protection as well as their psychological and material well-being,

Emphasizing the need for States 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,

Realizing in this context that voluntary repatriation or return remains the most desirable solution to the problems facing refugees and displaced persons of concern to the High Commissioner, and welcoming the fact that in various parts of the world it has been possible for significant numbers of them to return voluntarily to their countries of origin,

Recognizing that the enhancement of basic economic and social rights is essential to the achievement of self-sufficiency and family security for refugees, as well as to the process of re-establishing the dignity of the human person and realizing durable solutions to refugee problems,

3/ United Nations, Treaty Series, vol. 189, No. 2545.

4/ Ibid., vol. 606, No. 8791.

Recognizing that durable solutions for refugees in developing countries can, in the majority of cases, be achieved through a development-oriented approach and that the heavy burden placed on a host country as a result of growing refugee influxes requires sufficient resources to redress the negative impact and the strain on its socio-economic infrastructure in rural and urban areas,

Welcoming the conclusions and decisions on refugee aid and development adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session 5/ as a tangible recognition of the need to ensure the compatibility of refugee aid and national development plans of the developing asylum countries,

Commending those States that, despite severe economic and development problems of their own, continue to admit large numbers of refugees and displaced persons of concern to the Office of the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, in accordance with the conclusions on refugee aid and development adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session,

Stressing the need for the international community to continue to provide adequate resettlement opportunities for those refugees for whom no other durable solution may be in sight, with particular attention given to refugees who have already spent an inordinately long time in camps,

Welcoming the valuable support extended by Governments to the High Commissioner in carrying out his humanitarian tasks, and recognizing the need for continuing and increasing co-operation between the Office of the High Commissioner and other bodies of the United Nations system, and with intergovernmental and non-governmental organizations,

Also welcoming the decision of the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session to open sessions of its two sub-committees and informal meetings for participation as observers by States Members of the United Nations and members of the specialized agencies which are not members of the Executive Committee, 6/

Noting the High Commissioner's continuing efforts to improve the efficiency and effectiveness of the Office, particularly in strengthening field activities and responsibilities,

5/ Official Records of the General Assembly, Forty-third Session, Supplement No. 12A (A/43/12/Add.1), para. 33.

6/ Ibid., para. 35.

Commending the High Commissioner and his staff for the dedicated manner in which they discharge their responsibilities, and paying tribute to those staff members who have endangered their lives in the course of their duties,

1. Strongly reaffirms the fundamental nature of the function of the United Nations High Commissioner for Refugees to provide international protection and the need for Governments to co-operate fully with the Office of the High Commissioner 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;

2. Endorses, in this regard, the conclusions on international solidarity and refugee protection adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session; 7/

3. Notes with particular concern the continued violation, in certain situations, of the principle of non-refoulement and recalls existing prohibitions as contained in conclusions No. 6 (XXVIII) and No. 7 (XXIX) of the Executive Committee, stresses the need to strengthen measures to protect refugees against such action and appeals to all States to abide by their international obligations, taking fully into account their legitimate security concerns;

4. 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 these instruments in order to enhance their universal character;

5. 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 violence;

6. Endorses once again the conclusions on military and armed attacks on refugee camps and settlements adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-eighth session, 8/ and renews its call to all States to observe these principles;

7. Commends the High Commissioner for the work undertaken by his Office to identify and meet the special needs of refugee children and in particular for the guidelines of the Office on refugee children, and invites the High Commissioner to pursue his efforts on behalf of refugee children, drawing on the valuable contribution which non-governmental organizations continue to make in this area;

7/ Ibid., para. 24.

8/ Ibid., Forty-second Session, Supplement No. 12A (A/42/12/Add.1), para. 206.

8. Endorses the conclusions on refugee women adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session, 9/ and urges States to extend their full co-operation to the High Commissioner in his efforts to ensure that the special needs of refugee women in the fields of protection, assistance and durable solutions are met;

9. Notes the close connection between the problems of refugees and of stateless persons and invites States actively to explore and promote measures favourable to stateless persons in accordance with international law;

10. Recognizes the importance of fair and expeditious procedures for determining refugee status and/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;

11. Recognizes the importance of attaining durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees, taking into account the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, 10/ and to facilitate the solution of existing problems;

12. 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 through resettlement in third countries,

13. Expresses deep appreciation for the valuable material and humanitarian response of receiving countries, in particular those developing countries which, despite limited resources, continue to admit, on a permanent or temporary basis, large numbers of refugees and asylum-seekers;

14. Urges the international community, in accordance with the principle of international solidarity and burden-sharing, to assist the above-mentioned countries in order to enable them to cope with the additional burden that the care for refugees and asylum-seekers represents;

15. Supports broadly the purpose of a Project Planning Fund along the lines stipulated in paragraph 32 of the report of the Executive Committee of the Programme of the High Commissioner at its thirty-ninth session 2/ and, in particular, the following recommendations:

9/ Ibid., Forty-third Session, Supplement No. 12A (A/43/12/Add.1), para. 26.

10/ A/41/324, annex.

(a) That the Office of the High Commissioner remain a focal point for encouraging refugee-related technical assistance and capital investment in developing asylum countries;

(b) That assistance to refugees be additional to funds earmarked for development programmes in developing asylum countries;

(c) That the High Commissioner be requested to prepare a comprehensive report whereby the nature and operational aspects of the Project Planning Fund and the mandate of the Office of the High Commissioner, as well as the role of development agencies and non-governmental organizations, would be clearly defined;

16. 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 11/ and reaffirmed in the Oslo Declaration and Plan of Action of the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, 12/ urges the High Commissioner to continue that process, wherever appropriate, in full co-operation with appropriate international agencies, and further urges Governments to support these efforts;

17. Emphasizes the essential role of development-oriented organizations and agencies in the implementation of programmes that benefit refugees and returnees, urges the High Commissioner and those organizations and agencies, in accordance with their respective mandates, to strengthen their mutual co-operation towards the attainment of durable solutions, and calls upon the High Commissioner to continue to promote such co-operation;

18. Welcomes the various initiatives undertaken by the High Commissioner in regard to the promotion and dissemination of the principles of refugee law and protection and calls upon his Office, in co-operation with Governments, to intensify its activities in this area, bearing in mind the need, in particular, to develop practical applications of refugee law and principles and to continue to undertake training courses for governmental and other officials involved in refugee activities;

19. Calls upon all Governments to contribute, in a spirit of international solidarity and burden-sharing and in every way feasible, 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 are met.

11/ See A/41/572, annex.

12/ A/43/717, annex, appendix.