



# General Assembly

Distr.: Limited  
7 November 2006

Original: English

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## Sixty-first session Third Committee

Agenda item 41

### Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Moldova, Monaco, Morocco, Namibia, Netherlands, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America: 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<sup>1</sup> and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-seventh session<sup>2</sup> and the conclusions and decisions contained therein,

*Recalling* its previous annual resolutions on the work of the Office of the High Commissioner since its establishment by the General Assembly,

*Expressing its appreciation* for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the

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<sup>1</sup> *Official Records of the General Assembly, Sixty-first Session, Supplement No. 12 (A/61/12).*

<sup>2</sup> *Ibid., Supplement No. 12A (A/61/12/Add.1).*



High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-seventh session;<sup>2</sup>

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the conclusion on women and girls at risk and the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons,<sup>3</sup> which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection,<sup>4</sup> and at assisting Governments in meeting their protection responsibilities in today's changing international environment, including by promoting the progressive implementation of mechanisms and standards through relevant national public policies supported by the international community;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees<sup>5</sup> and the 1967 Protocol thereto<sup>6</sup> as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-six States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that sixty-one States are now parties to the 1954 Convention relating to the Status of Stateless Persons<sup>7</sup> and that thirty-three States are parties to the 1961 Convention on the Reduction of Statelessness,<sup>8</sup> encourages States that have not done so to give consideration to acceding to these instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness, and protecting stateless persons, and urges the Office to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

5. *Takes note* of the current activities of the office related to the protection and assistance of internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

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<sup>3</sup> Ibid., chap. III, sects. A-B.

<sup>4</sup> Ibid., *Fifty-seventh Session, Supplement No. 12A (A/57/12/Add.1)*, annex IV.

<sup>5</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

<sup>6</sup> Ibid., vol. 606, No. 8791.

<sup>7</sup> Ibid., vol. 360, No. 5158.

<sup>8</sup> Ibid., vol. 989, No. 14458.

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Emphasizes* that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Also emphasizes* that protection and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, particularly those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

10. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all concerned States and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

11. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all concerned States to ensure respect for the principles of refugee protection and human rights;

12. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

13. *Affirms* the importance of mainstreaming the protection needs of women and children to ensure their participation in the planning and implementation of programmes of the Office of the High Commissioner and State policies and the importance of according priority to addressing the problem of sexual and gender-based violence;

14. *Acknowledges* that forcibly displaced women and girls can be exposed to particular protection problems related to their gender, their cultural and

socio-economic position, and their legal status, that they may be less likely than men and boys to be able to exercise their rights, and that therefore specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys, and notes the important guidance provided in the Executive Committee conclusion on women and girls at risk in order to address issues of identification of these individuals and action to be taken in prevention and response;

15. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

16. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with relevant General Assembly resolutions and international law;

17. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes the “4Rs” approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and other programming tools to facilitate the transition from relief to development;

18. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, notes that the Multilateral Framework of Understandings on Resettlement<sup>9</sup> sets out the strategic use of resettlement as part of a comprehensive approach to refugee situations aimed at improving access to durable solutions for a greater number of refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework, where appropriate and feasible;

19. *Notes* the progress that is being made by interested States and the Office to take forward elements outlined in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, adopted on 16 November 2004, and expresses its support for the efforts to promote its implementation with the cooperation and assistance of the international community, as appropriate, including in the area of resettlement, as well as in supporting host communities that receive large numbers of persons who require international protection;

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<sup>9</sup> See [www.unhcr.org](http://www.unhcr.org).

20. *Notes* that some progress is being made by interested States and the Office within the context of the European-Asian Programme on Forced Displacement and Migration on issues related to asylum and forced displacement, consistent with the mandate of the Office;

21. *Notes* the importance of States and the Office discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and further notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

22. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

23. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute<sup>10</sup> and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004 and 60/129 of 16 December 2005 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

24. *Calls upon* the Office to widen its donor base, so as to achieve a greater burden-sharing by reinforcing cooperation with traditional governmental donors, non-traditional donors and the private sector;

25. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-second session.

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<sup>10</sup> Resolution 428 (V), annex.