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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Austria, Belgium, Canada, Costa Rica, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Federal Republic of, Honduras, Hungary, Iceland, Italy, Netherlands, New Zealand, Norway, Panama, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: 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 fortieth session, 2/ and having heard the statements made by the Officer-in-Charge of the Office of the High Commissioner on 15 and 17 November 1989,

Recalling its resolution 43/117 of 8 December 1988,

Reaffirming the purely humanitarian, non-political character of the activities of the Office of the High Commissioner as well as the fundamental importance of the High Commissioner's protection function and the need for States to co-operate with the High Commissioner in the exercise of this primary and essential responsibility,

1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12 (A/44/12).

2/ Ibid., Supplement No. 12A (A/44/12/Add.1).

Noting with satisfaction that, following recent accessions, one hundred and six 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 that offer hope for solutions to refugee problems, refugees and displaced persons of concern to the Office of the High Commissioner continue to face, in certain situations, distressingly serious problems, including protection problems as a result of expulsion and refoulement of refugees, their unjustified detention or measures which do not recognize their special situation,

Particularly concerned that in various regions the safety and welfare of refugees and asylum-seekers are seriously undermined on account of military or armed attacks, forced recruitment of refugees into armed forces, or other forms of violence, and noting that further efforts should be made to ensure rescue and disembarkation of asylum-seekers in distress at sea and, in this context, also noting the problems relating to stowaway asylum-seekers,

Noting the efforts of the Office 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 Office of the High Commissioner to search for durable and timely solutions to the problems of refugees based on new approaches which meet current realities and which, at the same time, respect basic protection principles and concerns,

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 Office of the High Commissioner, and welcoming the fact that it has been possible for significant numbers of them to return voluntarily to their country of origin,

Recognizing that the enhancement of fundamental human 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,

Deeply concerned by the unprecedented financial crisis which the Office of the High Commissioner for Refugees is currently facing,

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

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

Aware that the putting into practice of the principle of international solidarity and the search for durable solutions implies a better sharing of responsibilities and arrangements for the implementation and the financing of related activities between all the agencies of the United Nations system and other concerned organizations, both governmental and non-governmental,

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

Welcoming the conclusions and decisions on refugee aid and development adopted at the fortieth session of the Executive Committee, 5/ in particular its request to the Office of the High Commissioner to continue its catalytic role in the area of refugee aid and development as contained therein,

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,

Emphasizing the need for close co-operation between the Office of the United Nations High Commissioner for Refugees and relevant agencies of the United Nations system and other international organizations, both intergovernmental and non-governmental, in devising and implementing specific elements of development assistance for the solution to problems of refugees, returnees and areas hosting them,

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, and with particular attention to those refugees who have spent an inordinately long period of time in camps and individuals facing urgent or emergency protection situations,

Welcoming the valuable support extended by Governments to the Office of the High Commissioner in carrying out its 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,

Noting the efforts of the Office of the High Commissioner, in co-operation with the Executive Committee, including the establishment of a Working Group, to

5/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1), para. 32.

improve the efficiency and effectiveness of the Office, and the need to further strengthen field activities and responsibilities,

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

1. Strongly reaffirms the fundamental nature of the international protection function of the United Nations High Commissioner for Refugees and the need for States to co-operate fully with his Office in fulfilling this function, in particular by acceding to and fully and effectively implementing the relevant international and regional refugee instruments;

2. Endorses the conclusions on the implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees adopted at the fortieth session of the Executive Committee; 6/

3. Calls upon all States to refrain from measures jeopardizing the institution of asylum, in particular by returning or expelling refugees and asylum-seekers contrary to fundamental prohibitions against these practices and urges States to continue to admit and receive refugees pending identification of their status and of appropriate solutions to their plight;

4. Urges all States to establish quick and effective procedures for determining refugee status and/or granting asylum in accordance with internationally accepted criteria and appropriate legal guarantees, inter alia, to deal expeditiously with manifestly unfounded claims and in order to protect refugees and asylum-seekers from unjustified or unduly prolonged detention or stay in camps;

5. Notes with deep concern, in this context, that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation and reiterates the conclusion on detention adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its thirty-seventh session, which circumscribes the grounds for detention of such persons; 7/

6. Condemns 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, forced recruitment into armed forces and other forms of violence;

6/ Ibid., para. 24.

7/ Ibid., Forty-first Session, Supplement No. 12A (A/41/12/Add.1), para. 128.

7. Notes the accomplishment of the Office of the High Commissioner in the promotion and dissemination of refugee law, including particularly the organization of protection training courses for government and other concerned officials, and urges the Office to pursue its activities in this regard, making every effort to ensure that such protection training courses continue on a significant scale;

8. Endorses the conclusions on refugee children adopted at the fortieth session of the Executive Committee, 8/ particularly the development and dissemination of the "Guidelines on Refugee Children" and the implementation of a work plan concerning refugee children, requiring the active co-operation and collaboration with the United Nations High Commissioner for Refugees of Governments, United Nations bodies, among them the United Nations Children's Fund, and non-governmental organizations;

9/ Endorses the conclusions on refugee women adopted at the fortieth session of the Executive Committee, 9/ which, in particular, recognize the need to emphasize the participatory role of refugee women, as well as the need for a policy framework and organizational work plan for implementation of the next stages in bringing refugee women into the mainstream of the activities of the Office of the United Nations High Commissioner for Refugees;

10/ Endorses the conclusion on durable solutions and refugee protection adopted at the fortieth session of the Executive Committee, 10/ which, inter alia, recognized the need for active promotion of solutions by the international community and by countries of origin, asylum and resettlement, in accordance with their respective obligations and responsibilities and the desirability of prevention, including through the observance of human rights, as the best solution;

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, and to facilitate the solution of existing problems;

12/ Approves the decision adopted at the fortieth session of the Executive Committee entitled, "Sharing of responsibilities for operational activities relating to refugees", 11/ and invites the agencies of the United Nations system as well as all relevant international organizations, both governmental and non-governmental to establish as soon as possible specific mechanisms of co-operation to assure an agreed division of responsibilities and arrangements for the financing of these activities, while preserving the specific protection mandate of the United Nations High Commissioner for Refugees;

8/ Ibid., Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1), para. 26.

9/ Ibid., para. 27.

10/ Ibid., para. 23.

11/ Ibid., para. 33.

13. Urges the Member States of relevant bodies to ensure that their delegates to such bodies as the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the World Bank and Regional Development Banks and multilateral agencies such as the United Nations Development Programme and the International Fund for Agricultural Development are made aware of the refugee-related conclusions of the fortieth session of the Executive Committee and that they use their good offices to ensure the adoption of policies and the establishment of mechanisms, both institutional and financial, that will provide for a co-ordinated and expeditious implementation of refugee/returnee-related development initiatives;

14. Recognizes with appreciation the ongoing work being done by the Office of 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 12/ and reaffirmed in the Oslo Declaration and Plan of Action adopted by the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, 13/ as well as in the Guatemala Declaration and the Concerted Plan of Action in favour of Refugees, Repatriates and Displaced Central Americans of the International Conference on Central American Refugees, 14/ and urges the Office to continue that process wherever appropriate, in full co-operation with appropriate international agencies, and further urges Governments to support these efforts;

15/ Recognizes the importance of the International Conference on Indo-Chinese Refugees, held at Geneva on 13 and 14 June 1989, the International Conference on Central American Refugees, held in 1989, at Guatemala City from 29 to 31 May 1989, and the adoption of the Concerted Plan of Action in favour of Refugees, Repatriates and Displaced Central Americans and the Comprehensive Plan of Action on Indo-Chinese Refugees; 15/

16/ Urges all States to support the Office of the High Commissioner in its efforts to search for durable solutions to the problem of refugees and displaced persons of concern to the 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;

17/ 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;

12/ See A/41/572, annex.

13/ See A/43/717 and Corr.1, annex.

14/ A/44/527 and Corr.1 and 2, annex.

15/ A/44/523, annex.

18. Urges the international community, in accordance with the principle of international solidarity and in the spirit of 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;

19. Endorses the conclusions and decisions adopted by the Executive Committee at its fortieth session on assistance activities which reflect the gravity of the financial crisis the United Nations High Commissioner for Refugees is facing at present;

20. Calls upon all Governments to contribute to the High Commissioner's programmes, and taking into account the need to achieve greater burden-sharing among donors, to assist the United Nations High Commissioner for Refugees in securing additional income from traditional governmental sources, other Governments and the private sector, in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.
