

Having considered the report of the Secretary-General¹²⁸ on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa, held at Oslo from 22 to 24 August 1988,

Conscious of its responsibility to provide economic, material and humanitarian assistance to independent States in southern Africa in order to assist them in coping with the situation resulting from the acts of aggression and destabilization committed by the *apartheid* régime of South Africa,

Taking note with appreciation of the consultations undertaken by the Secretary-General to establish within the United Nations system a mechanism to ensure the implementation and overall co-ordination of relief programmes for internally displaced persons,

Noting with indignation that South Africa's policy of *apartheid* and its direct and indirect acts of aggression, intimidation and destabilization through armed terrorists continue to be the main causes of refugee flows and increasing displacement of persons in southern Africa,

Convinced that there is an urgent need for the international community to extend maximum and concerted assistance to southern African countries sheltering refugees, returnees and displaced persons and also to highlight the plight of these persons,

1. Takes note with satisfaction of the report of the Secretary-General on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa;

2. Reaffirms the need to continue the implementation of the Oslo Declaration and Plan of Action on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa adopted by the Conference;¹²⁹

3. Expresses its gratitude to the countries and organizations that have given assistance to the countries in southern Africa to enable them to cope with the situation of refugees, returnees and displaced persons in their countries;

4. Calls upon the international community to provide increased assistance to the countries of southern Africa to enable them to strengthen their capacity to provide the necessary facilities and services for the care and well-being of the refugees, returnees and displaced persons in their countries;

5. Reiterates its appreciation to the Secretary-General for his efforts, on behalf of the international community, to organize and mobilize special programmes of economic assistance for the front-line and other neighbouring States to help them withstand the effects of the acts of aggression and destabilization committed by the *apartheid* régime of South Africa;

6. Takes note with appreciation of the efforts made by the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to implement those specific tasks and responsibilities assigned to them in the Oslo Declaration and Plan of Action, and encourages them to continue their efforts;

7. Endorses the recommendation of the Secretary-General aimed at assigning to the United Nations resident co-ordinators the function of co-ordinating assistance for internally displaced persons, in close co-operation with Governments, local representatives of donor countries and United Nations agencies in the field;

8. Once again urges all Member States, organizations of the United Nations system and governmental and non-governmental organizations to undertake the measures as required of them under the Oslo Declaration and Plan of Action;

9. Decides to consider this question at its forty-fifth session on the basis of a report to be submitted by the Secretary-General.

82nd plenary meeting
15 December 1989

44/137. 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,¹³⁰ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its fortieth session,¹³¹ and having heard the statements made by the Officer-in-Charge of the Office of the High Commissioner on 15 and 17 November 1989,¹³²

Recalling its resolution 43/117 of 8 December 1988,

Reaffirming the purely humanitarian and 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 function,

Noting with satisfaction that, following recent accessions, one hundred and six States are now parties to the 1951 Convention¹³³ and the 1967 Protocol¹³⁴ 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 problems of protection as a result of expulsion and *refoulement* of refugees, their unjustified detention and measures that 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 and 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, noting also 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 in its search for durable and timely solutions to the problems of refugees based on new approaches that

¹³⁰ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12 (A/44/12).

¹³¹ Ibid., Supplement No. 12A (A/44/12/Add.1).

¹³² Ibid., Forty-fourth Session, Third Committee, 44th and 47th meetings, and corrigendum.

¹³³ United Nations, Treaty Series, vol. 189, No. 2545.

¹³⁴ Ibid., vol. 606, No. 8791.

¹²⁸ A/44/520.

¹²⁹ See A/43/717 and Corr.1 and Add.1.

meet current realities and at the same time respect the basic principles and concerns of protection,

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 promotion 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 about the unprecedented financial crisis that the Office of the High Commissioner is currently facing,

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

Recognizing 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 countries of asylum,

Welcoming the conclusions and decisions on refugee aid and development adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,¹³⁵ in particular the request to the Office of the High Commissioner to continue its catalytic role in the area of refugee aid and development,

Commending those States which, 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 High Commissioner 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 solving problems of refugees and returnees and of 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, with particular attention being paid to those refugees who have spent an inordinately long period of time in camps and to individuals facing urgent or emergency protection situations,

Welcoming the valuable support extended by Governments to the Office of the High Commissioner in the performance of 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 of the Programme of the High Commissioner, including the establishment of a Working Group, to 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 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 States to co-operate fully with his Office in the fulfilment of 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 by the Executive Committee of the Programme of the High Commissioner at its fortieth session;¹³⁶

3. *Calls upon* all States to refrain from measures that jeopardize the institution of asylum, in particular the return or expulsion of 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 appropriate solutions to their plight;

4. *Urges* all States to establish quick and effective procedures for determining refugee status and granting asylum in accordance with internationally accepted criteria and appropriate legal guarantees, in order to deal expeditiously with manifestly unfounded claims and 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 subject to 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 conclusions on detention adopted by the Executive Committee of the Programme of the High Commissioner at its thirty-seventh session, which set out the grounds for detention of such persons;¹³⁷

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;

7. *Notes* the accomplishments of the Office of the High Commissioner in the promotion and dissemination of refugee law, including, in particular, the organization of training courses on protection directed towards 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;

¹³⁵ *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1), para. 32.*

¹³⁶ *Ibid.*, para. 24.

¹³⁷ *Ibid.*, *Forty-first Session, Supplement No. 12A (A/41/12/Add.1), para. 128.*

8. *Endorses* the conclusions on refugee children adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,¹³⁸ in particular on the development and dissemination of the "Guidelines on Refugee Children" and the implementation of a work plan concerning refugee children that requires the active co-operation and collaboration of Governments, United Nations bodies, among them the United Nations Children's Fund, and non-governmental organizations with the Office of the High Commissioner;

9. *Endorses* the conclusions on refugee women adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,¹³⁹ in which, in particular, the Executive Committee recognized the need to facilitate the participatory role of refugee women and the need for a policy framework and organizational work plan for the implementation of the next stages of bringing issues concerning refugee women into the mainstream of the activities of the Office of the High Commissioner;

10. *Endorses* the conclusions on durable solutions and refugee protection adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,¹⁴⁰ in which the Executive Committee recognized the need for the 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 through, *inter alia*, 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 entitled, "Sharing of responsibilities for operational activities relating to refugees", adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session¹⁴¹ and invites the agencies of the United Nations system as well as all other 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 mandate of the High Commissioner to provide protection;

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 Executive Committee of the Programme of the High Commissioner at its fortieth session and urges them to use their good offices to ensure the adoption of policies and the establishment of mechanisms, both institutional and financial, that will provide for co-ordinated and expeditious implementation of development initiatives related to refugees and returnees;

14. *Notes 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 Africa¹⁴² 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,¹²⁹ as well as in the Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons adopted by the International Conference on Central American Refugees, held at Guatemala City from 29 to 31 May 1989,¹⁴³ urges the Office to continue that process wherever appropriate, in full co-operation with appropriate international agencies, and urges Governments to support these efforts, being fully aware of the catalytic role of the Office of the High Commissioner;

15. *Recognizes* the importance of the International Conference on Indo-Chinese Refugees, held at Geneva on 13 and 14 June 1989, and the Comprehensive Plan of Action adopted at that Conference,¹⁴⁴ as well as the International Conference on Central American Refugees and the Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons;

16. *Urges* all States to support the Office of the High Commissioner in its search for durable solutions to the problem of refugees and displaced persons of concern to the Office, primarily through voluntary repatriation or return, with assistance to returnees as appropriate, and, wherever appropriate, through integration into countries of asylum or through resettlement in third countries;

17. *Expresses its 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;

18. *Urges* the international community, in accordance with the principle of international solidarity and in the spirit of burden-sharing, to assist the countries referred to in paragraph 17 of the present resolution 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 on assistance activities adopted by the Executive Committee of the Programme of the High Commissioner at its fortieth session,¹⁴⁵ which reflect the gravity of the financial crisis that the Office of the High Commissioner 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 High Commissioner 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.

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¹³⁸ *Ibid.*, Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1), para. 26.

¹³⁹ *Ibid.*, para. 27.

¹⁴⁰ *Ibid.*, para. 23.

¹⁴¹ *Ibid.*, para. 33.

¹⁴² See A/41/572, annex.

¹⁴³ A/44/527 and Corr.1 and 2, annex.

¹⁴⁴ A/44/523, annex.

¹⁴⁵ *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 12A (A/44/12/Add.1)*, paras. 30 and 31.