



UNITED NATIONS

GENERAL
ASSEMBLY



GENERAL

A/1751
19 December 1950

ORIGINAL: ENGLISH

Fifth session
Agenda item 32

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

Resolution adopted by the General Assembly at its
325th plenary meeting on 14 December 1950

(adopted on the report of the Third Committee (A/1682))

The General Assembly,

Considering that, by its resolution 362 (IV) of 22 October 1949, it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by Conferences in which all Members of the United Nations have not been invited to take part,

Considering the desirability of enabling the Governments of States not Members of the United Nations to participate in the final stages of the drafting of the Convention relating to the Status of Refugees, as prepared by the Ad Hoc Committee on Refugees and Stateless Persons and the Economic and Social Council,

1. Decides to convene in Geneva a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons;
2. Recommends to Governments participating in the conference to take into consideration the draft Convention submitted by the Economic and Social Council and, in particular, the text of the definition of the term "refugee" as set forth in the annex hereto;
3. Requests the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity;

/4. Instructs the
A/1751

4. Instructs the Secretary-General to invite the Governments of all States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries;
5. Calls upon the United Nations High Commissioner for Refugees, in accordance with the provisions of the Statute of his Office, to participate in the work of the Conference.

ANNEX

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES*

Chapter I. Article 1

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Since 1 August 1914, has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of the present article;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality, and is unable, or owing to such fear or for reasons other than personal convenience is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

In the case of a person who has more than one nationality, the above term "the country of his nationality" shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

* Text of Chapter I, Article 1 as amended by the General Assembly at its 325th plenary meeting.

B. The present Convention shall cease to apply to any person falling under the terms of section A if:

- (1) He has voluntarily reavailed himself of the protection of the country of his nationality; or
- (2) Having lost his nationality, he has voluntarily reacquired it; or
- (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or
- (6) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country.

C. The present Convention shall not apply to persons who are at present receiving from other organs or agencies of the United Nations protection or assistance.

D. The present Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

E. The provisions of the present Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in article VI of the London Charter of the International Military Tribunal; or (b) he falls under the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

F. The Contracting States may agree to add to the definition of the term "refugee" contained in the present article persons in other categories, including such as may be recommended by the General Assembly.
