

UNITED NATIONS

GENERAL
ASSEMBLY



GENERAL

A/CONF.2/NGO/5

6 July 1951

Original: ENGLISH

Dual Distribution

CONFERENCE OF PLENIPOTENTIARIES
ON THE STATUS OF REFUGEES AND
STATELESS PERSONS

PROPOSALS CONCERNING THE DRAFT CONVENTION
RELATING TO THE STATUS OF REFUGEES

Statement submitted by the International Confederation of Free Trade Unions, a non-governmental organization in consultative relationship with the Economic and Social Council.

The Executive Secretary has received the following statement, which is circulated in accordance with Rule 27 of the rules of procedure of the Conference.

Submitted : 28 June 1951.

Received : 4 July 1951.

The International Confederation of Free Trade Unions wishes to submit to the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons the following suggestions:

Definition of Refugee: The most important point in the working of the Convention relating to the Status of Refugees which requires some improvement is the

definition of the term "refugee". The definition chosen by the Fifth Session of the General Assembly (see 428(V), Statute of the Office of the United Nations High Commissioner for Refugees) sets a limitation on assistance to refugees by mentioning "as a result of events occurring before 1 January 1951". The present world situation, however, does not justify this clause. There can be no guarantee that people will not have to escape from threats to liberty or life in the future; they will hence still require special protection. There is no reason why these possible victims should be deprived of the protection which has been extended to others who became refugees before a certain date.

Principle of Non-Discrimination: The General Assembly and the Economic and Social Council recognise the international nature of the refugee problem and the responsibility of the United Nations to provide international protection. The ICFTU has stressed in a previous statement that the definition of the term "refugee" should include a provision for persons who, although in a country which from the ethnic point of view is not unlike their own, have the characteristics of refugees (German and Greek refugees, for instance). The lack of provision for these groups seems to be an arbitrary measure, especially in cases where their expulsion has been supported by member nations of the United Nations.

Justice requires a broader approach to the question. The humanitarian reasons for the protection of refugees should not be ignored in elaborating the details of the High Commissioner's functions. By applying the principle of non-discrimination, the term "refugee" should be made to include refugees who, although in a country of their own ethnic origin, are homeless and unable to adopt the nationality of the country sheltering them; and possible future victims who qualify as refugees if no arbitrary deadline were stipulated.

With respect to the draft convention on the Status of Refugees (see Report of the second session of the Ad Hoc Committee on Refugees and Stateless Persons, Annex I), great difficulties may arise from the wording of Articles 21 and 23, read in connection with Article 26. The first two Articles speak of refugees "lawfully in their territory" (i.e. the territory of contracting states).

The practical situation of many refugees may not meet this requirement. A person who feels his life or freedom to be in danger may have to escape from a country at a moment's notice, and most often to seek refuge in a country just over the frontier. He may have great difficulties in obtaining legal status - either because the country of refuge is afraid of reprisals from a stronger neighbouring country or because of other factors - and may be silently admitted without being granted open and formal admission. This may apply to present-day refugees and even more so to refugees escaping in the future. The limitation laid down in these Articles should, therefore, be dropped.

Financing Assistance to Refugees: It is hard to see how the High Commissioner's work could be effective without some international financial assistance; it is, therefore, difficult to understand why he is directed not to approach governments with a request for voluntary contributions.

The example of Korea should illustrate how essential financial assistance may be in a world threatened by aggression. Before the IRO is finally liquidated, ways and means should be found of caring for those refugees still left unsettled. Furthermore, if we believe in the humanitarian concepts we profess, we should be willing to grant the right of asylum and the necessary protection to the refugees from totalitarian persecution. We, therefore, recommend that the High Commissioner, in co-operation with the IRO, (i) make a study of the possible needs of refugees not yet settled and an estimate of their minimum requirements during the period following the liquidation of the IRO; (ii) investigate methods of raising public as well as private contributions to an international fund.

Although the emphasis should be on aid which could eventually lead to self-help by the refugees, there may still be a need for assistance to those who have not yet succeeded in caring for themselves. This need will be still further increased if the deadline of January 1, 1951 is abolished. The absence of any financial provisions might lead to a great loss of confidence which could not be regained by any amount of improvisation.

Ending of protection: International agreements on refugees and stateless persons should be aimed at assisting the refugee to build up an economically independent

existence as quickly as possible, and to enable him to acquire sources of income so that he will not be a public charge.

It may well happen, however, that a refugee who, after a hard struggle has succeeded in establishing himself in a country of asylum, is unable, because of advanced age, invalidity or other reasons, to start afresh and become self-supporting. If the protection the refugee may still need is withdrawn by the High Commissioner, he would become completely destitute. However, Chapter II of the Statute of the Office of the United Nations High Commissioner for Refugees, dealing with the functions of the High Commissioner, provides that "reasons of a purely economic character may not be invoked". We, therefore, recommend that it be specifically stated that the High Commissioner should not be obliged finally to withdraw his protection after the refugee has been settled.