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CONFERENCE OF PLENIPOTENTIARIES
ON THE STATUS OF REFUGEES AND
STATELESS PERSONS

Dual Distribution

OBSERVATIONS
CONCERNING THE DRAFT CONVENTION
RELATING TO THE STATUS OF REFUGEES

Statement submitted by

the Friends' World Committee for Consultation,
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 Article 27 of the Rules of Procedure of the
Conference.

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The FRIENDS WORLD COMMITTEE FOR CONSULTATION wishes to make the following
observations concerning the Draft Convention relating to the Status of
Refugees (document A/CONF.2/1). These observations are set down in the order
in which the relevant articles are likely to be studied by the Conference of
Plenipotentiaries on the Status of Refugees and Stateless Persons.

- (1) Chapter I Article 3: The following additional sentence is suggested:
"Contracting States will, so far as is possible, make special efforts in
favour of refugees who are likely to suffer hardship by reason of age,
sex or condition of health."

- (2) Chapter I Article 5: Provisional measures taken by states as essential to national security in times of war or national emergency inevitably result in injustice to individuals or groups (e.g. internment measures in the second world war). Such injustices should be rectified at the earliest possible moment by
- (a) speedy examination of individual cases to determine whether the action was indeed necessary;
 - (b) opportunity for the individual to present his case at the time of examination.

The phrase "pending a determination" in Article 5(2) is extremely vague and leaves a loophole for quite unjustifiable delay in rectifying injustices. It should be substituted by a clause which would commit Contracting States to the steps outlined in (a) and (b) above.

- (3) Chapter II Article 10: The phrase "non-profit-making associations and trade unions" gives the impression of a rather narrow orbit of thinking in connection with the Right of Association. It is strongly urged that this Article be reworded to acknowledge the Right of Association for religious worship and for cultural and artistic activities of a non-political nature.
- (4) Chapter III Article 14(2): It is suggested that the following phrase be added after the words "under their administration": "Having due regard for the interests and well-being of the indigenous population."
- (5) Chapter I Article 1(A): It is considered that the date line of 1st January 1951, which now figures in the definition of the term "refugee", should be eliminated. This might be done by the addition to Article 1(A) of clause B paragraph 6 Chapter II of the Annex to the Statute of the High Commissioner's Office for Refugees.

The primary justification for this addition lies in the fact that the refugees now excluded from the Convention are, and others in future will be, in the same need to be covered by the provisions of the Convention as

those who fall within the present definition. Furthermore, the effectiveness of the Office of the High Commissioner for Refugees will be increased if the categories of refugees defined in the Convention approximate the categories for which the High Commissioner now bears responsibility.

- (6) Chapter I Article 1(C): The wording of this paragraph needs revision. It now reads as follows: "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."

The word "other" appears to be irrelevant, since the Contracting States are not themselves organs or agencies of United Nations.

A more important point is the implication of the present wording that a person who is now receiving either protection or assistance of any kind from any of the organs or agencies of the United Nations would lose permanently all chance of protection or assistance afforded by this Convention. This is patently not the intention of the paragraph. The following alternative wording is suggested:

"The present Convention shall not apply, in respect of such forms of protection and/or assistance as may be afforded to individual refugees or groups of refugees by the organs or agencies of the United Nations, during the period in which such protection and/or assistance is available to them."

- (7) Chapter I Article 1(E): This article illustrates a problem which arises also at other points in the Convention, namely, questions of determination - as to whether an individual is or is not a refugee to whom the Convention is applicable; as to whether there are "serious reasons for considering" that by his behaviour he has forfeited his right to protection under the Convention; etc. etc.

It is suggested that the Contracting States should agree to accept the decision of the High Commissioner for Refugees or of an advisory panel attached to his Office, when questions of determination are involved, thus avoiding contradictory rulings by individual contracting States and other difficulties.