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REFUGEES AND STATELESS PERSONS

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
TO THE GENERAL ASSEMBLY: PART II

Members of the Council will recall that in June, 1951, I had the honour to submit a report of the first five months of the activities of my office, which is contained in Document E/2036. Since that date, the most important event affecting the discharge of my functions has been the adoption of the United Nations Convention on the Status of Refugees.

In accordance with General Assembly Resolution 429 (V), of 14th December 1950, the Secretary-General invited Governments, Members and non-Members of the United Nations, to send representatives to a Conference of Plenipotentiaries to complete the drafting, and to sign, a Convention relating to the Status of Refugees. The Conference met in Geneva from 2nd to 25th July, and representatives of the following States attended:-

Australia	Israel
Austria	Italy
Belgium	Luxembourg
Brazil	Monaco
Canada	The Netherlands
Colombia	Norway
Denmark	Sweden
Egypt	Switzerland (also representing
France	Lichtenstein)
Federal Republic of Germany	Turkey
Greece	United Kingdom
The Holy See	United States
Iraq	Venezuela
	Yugoslavia

Observers were present from Cuba and Iran

The Conference considered the draft Convention relating to the Status of Refugees, which had been prepared by the ad hoc Committee on Refugees at its second session held in Geneva in August, 1950, and also the recommendation relating to the definition of refugees to be covered by the Convention, which was contained in the Annex to General Assembly Resolution 429 (V). Full details concerning the background to the Conference, and the documents on which the Conference worked, are contained in the Final Act and Convention Relating to the Status of Refugees (Doc.A/Conf.2/108).

The three groups of refugees who are within the scope of the Convention are defined in Article I. They are:- (a) persons who have been considered refugees prior to the Second World War; (b) persons considered to be refugees under the Constitution of the International Refugee Organisation; (c) persons who have become refugees as the result of events occurring before 1st January, 1951. In connexion with this last category of refugees, it should be pointed out that the text submitted to the Conference did not specify that these events should have occurred in Europe. In this respect, the definition followed that included in the Statute of the High Commissioner's Office for Refugees. The Conference gave careful consideration to this question and finally decided to allow each Contracting State to make a declaration at the time of signature, ratification or accession, specifying whether it intends that the phrase "events occurring before 1st January 1951" be understood to mean either events occurring in Europe, or events occurring in Europe and elsewhere, before that date.

The Conference modified the terms of General Assembly Resolution 429 (V) which dealt with the question of refugees receiving protection or assistance from organs of the United Nations other than the High Commissioner's Office. According to this resolution persons at present receiving protection or assistance from other organs of the United Nations were to be excluded from the benefits of the Convention. The Statute of my Office, however, provides that persons who continue to receive such protection or assistance are to be excluded from my mandate. The Conference decided to bring the text of the definition in the Convention more into line with the pertinent clause in my Statute by adding the

following sentence:-

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the United Nations General Assembly, these persons shall ipso facto be entitled to the benefit of this Convention.

Members of the Council will recall that, under the Statute of my Office, I am entrusted with the duty of supervising the application of international conventions for the protection of refugees within my mandate. This function of my office is recognised in Article 35 of the Convention, whereby Contracting States undertake to co-operate with the High Commissioner's Office, or any other agency of the United Nations which may succeed it, particularly with regard to facilitating its task of supervising the application of the provisions of this Convention. Contracting States also undertake to provide the High Commissioner with information concerning the implementation of the Convention, the condition of refugees, and the laws and regulations affecting refugees. In this connexion, I should point out that Article 35 is one of the articles to which Contracting States may, under Article 42 of the Convention, make reservations.

Up to the date of this report, the Convention has been signed by the following fourteen States:-

Austria	Norway
Belgium	Sweden
Colombia	Switzerland and
Denmark	Lichtenstein
Israel	Turkey
Luxembourg	United Kingdom
Netherlands	Yugoslavia

The Federal Government of Germany has indicated its intention of signing the Convention at an early date. The Convention will remain open for signature at the permanent headquarters of the United Nations at New York from 17th September, 1951, to 31st December, 1952.

The Convention will enter into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

The work of bringing this Convention into being has been long. The results are not as generous for the refugees as some had hoped, but taken as a whole it marks a real advance in the granting of human rights to refugees. It is to be hoped that a substantial number of States will adhere to the Convention and thereby provide a firm foundation in international law for the rights of refugees.