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Item 32 (b) of the agenda

REFUGEES AND STATELESS PERSONS

Resolutions adopted by the Economic and Social Council on 11 August 1950<sup>(1)</sup>

A

The Economic and Social Council

Takes note of the report<sup>(2)</sup> of the ad hoc Committee on Refugees and Stateless Persons including, in particular the draft agreements contained therein, and of the comments of Governments thereon,

Submits to the General Assembly the report of the ad hoc Committee, together with the comments of Governments thereon, and the records of the proceedings of this Council on this subject;

Requests the Secretary General:

(1) To reconvene the ad hoc Committee on Refugees and Stateless Persons in order that it may prepare revised drafts of these agreements in the light of comments of Governments and of specialized agencies and the discussions and decisions of this Council at its eleventh session, which shall include the definition of "refugee" and the Preamble approved by the Council, making such other revisions as appear necessary; and

(1) See documents E/SR.406 and 407

(2) See documents E/1618, E/1618/Corr 1, E/1703, E/1703/Corr 1, E/1703/Add 1-6, E/1704, E/1704/Corr 1 and 2

(2) To submit the drafts, as revised, to the General Assembly at its fifth session,

Draws to the attention of the ad hoc Committee the fact that, under Rules 75 and 77 of the Rules of Procedure of the Council, the Committee is authorized to hear statements from Member States not members of the Committee and from such specialized agencies as may wish to participate without vote in the deliberations of the Committee; and

Decides that in addition the ad hoc Committee is authorized to hear statements from such non-member States as may, because of their special interest in the problem, wish to participate as observers, without vote, in the deliberations of the Committee;

Recommends to the General Assembly that it approve international agreements on the basis of the draft agreements prepared by the ad hoc Committee, as revised, taking into account comments of Governments and the views expressed at the eleventh session of the Council.

B

Draft Convention relating to the Status of Refugees

The Economic and Social Council

Having examined the Preamble and the definition of "refugee" contained in article I of the draft Convention relating to the Status of Refugees, prepared by the ad hoc Committee on Refugees and Stateless Persons,

Decides that the revised draft convention to be submitted to the fifth session of the General Assembly after further review by the ad hoc Committee, shall contain the following texts of the Preamble and definition of the term "Refugee" (Article I).

"PREAMBLE

- "1. Considering that the Charter of the United Nations and the Universal Declaration of Human Rights establish the principle that human beings shall enjoy fundamental rights and freedoms without discrimination;
- "2. Considering that the United Nations has, on various occasions, and most recently in General Assembly Resolution 319 A (IV), manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms;
- "3. Considering that, in the light of experience, the adoption of an international convention would appear to be one of the most effective ways of guaranteeing refugees the exercise of such rights;
- "4. Considering further that it is desirable to revise and consolidate previous international agreements relating to the protection of refugees, to extend the scope of such agreements to additional groups of refugees, and to increase the protection accorded by these instruments;
- "5. Considering, however, that the exercise of the right of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation;
- "6. Considering that the High Commissioner for Refugees will be called upon to supervise the application of this Convention, and that the effective implementation of this Convention depends on the full co-operation of States with the High Commissioner and on a wide measure of international cooperation.
- "7. Expressing the hope finally that this Convention will be regarded as having a value as an example exceeding its contractual scope, and that without prejudice to any recommendations the General Assembly may be led to make in order to invite the High Contracting Parties to extend to other categories of persons the benefits of this Convention, all nations will be guided by it in granting to persons who might come to be present in their territory in the capacity of refugees and who would not be covered by the following provisions, treatment affording the same rights and advantages."

DEFINITION OF THE TERM "REFUGEE"

(Chapter I, Article I)

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

"(1) who in the period between 1 August 1914 and 15 December 1946 was 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, and the Protocol of 14 September 1939;

"(2) who has been accepted by the International Refugee Organization as falling under its mandate;

"(3) who has had, or has, well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion, as a result of events in Europe before 1 January 1951, or circumstances directly resulting from such events, and owing to such fear, has had to leave, shall leave, or remains outside the country of his nationality, before or after 1 January 1951, and is unable, or owing to such fear or for reasons other than personal convenience unwilling, to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, has left, shall leave, or remains outside the country of his former habitual residence.

"The decision as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being recognized in the case of persons who otherwise fulfil the conditions of this Article.

"B. This Convention shall not apply to any refugee enjoying the protection of a Government because

"(1) He has voluntarily re-availed himself of the protection of the government of the country of his nationality;

"(2) Having lost his nationality, he has voluntarily re-acquired it;

"(3) He has acquired a new nationality and enjoys the protection of the government of the country of his nationality;

"(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

"(5) As a former member of a German minority, he has established himself in Germany or is living there.

"C. No contracting State shall apply the benefits of this Convention to any person who, in its opinion, has committed a crime specified in Article VI of the London Charter of the International Military Tribunal. No contracting State shall be obliged, under the provisions of this Convention, to grant refugee status to any person whom it has serious reasons to consider as falling under the provisions of Article 14(2) of the Universal Declaration of Human Rights."

C

The Economic and Social Council,

Recalling its concern with the problem of statelessness as expressed in its resolution 248 B (IX) of 8 August 1949, in which it established an ad hoc committee to study this problem,

Having considered the report of the Ad Hoc Committee and its recommendations concerning the elimination of statelessness,

Taking note of article 15 of the Universal Declaration of Human Rights concerning the right of every individual to a nationality,

Considering that statelessness entails serious problems both for individuals and for States, and that it is necessary both to reduce the number of stateless persons and to eliminate the causes of statelessness,

Considering that these different aims cannot be achieved except through the cooperation of each State and by the adoption of international conventions,

Recommends to States involved in changes of territorial sovereignty that they include in the arrangements for such changes provisions, if necessary, for the avoidance of statelessness;

Invites States to examine sympathetically applications for naturalization submitted by stateless persons habitually resident in their territory and, if necessary, to re-examine their nationality laws with a view to reducing as far as possible the number of cases of statelessness created by the operation of such laws;

Requests the Secretary-General to seek information from States with regard to the above-mentioned matters and to report thereon to the Council;

Notes with satisfaction that the International Law Commission intends to initiate as soon as possible work on the subject of nationality, including statelessness, and urges that the International Law Commission prepare at the earliest possible date the necessary draft international convention or conventions for the elimination of statelessness;

Invites the Secretary-General to transmit this resolution to the International Law Commission.