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PROPOSED MEASURES TO EXTEND THE PERSONAL SCOPE OF THE CONVENTION
RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951

(Submitted by the High Commissioner in accordance with paragraph 5 (b)
of General Assembly Resolution 1166 (XII) of 26 November 1957)

INTRODUCTION

1. The problem of the limitation of the personal scope of the 1951 Convention has acquired increasing importance in recent years and has become a matter of international concern. It was raised by several representatives on the Executive Committee at its Second Special Session in January 1964 and at its Twelfth Session in October 1964. At its Twelfth Session the Committee "noted that the High Commissioner was studying ways and means by which the personal scope of the Refugee Convention of 1951 might be liberalized". (Report on the Session, Document A/AC.96/270, paragraph 33).
2. The personal scope of the Convention is at present limited by the dateline in Article 1 A (2) by virtue of which the Convention is only applicable to persons who have become refugees as a result of events occurring before 1 January 1951. This limitation did not give rise to any particular problem when the Convention was first adopted, since at that time the Convention extended in practice to all known groups of refugees. In various new refugee situations which arose subsequently, the Convention was applied to the refugees concerned through the recognition by Governments of a causal link between the plight of persons who left their country after 1 January 1951 and events occurring before that date. However, as new refugee situations have continued to arise since 1951, it has become increasingly difficult if not impossible for Governments to recognize the existence of such a long-term historical causal link with events which were in the main connected with the second World War. This seems to be especially true in new refugee situations

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like those which have arisen in Africa. There may thus be an increasing number of refugees who, not being covered by the Convention, are unable to benefit from the minimum standards of treatment for which the Convention provides. The Conference of Plenipotentiaries which adopted the Convention was already aware of the possible emergence of new refugee situations in which the refugees concerned might not be covered by the Convention's terms. It therefore adopted, as part of its Final Act, Recommendation E, worded as follows:

"THE CONFERENCE,

"EXPRESSES the hope that the Convention relating to the Status of Refugees will have value as an example exceeding its contractual scope and that all nations will be guided by it in granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides."

While, on the basis of this Recommendation, some States frequently accord the treatment provided for in the Convention to persons not falling within its terms, it has become evident that this Recommendation cannot provide a generally satisfactory solution to the problem.

3. The Statute of the Office of UNHCR, annexed to General Assembly Resolution 428 (V) of 14 December 1950, contains a definition of the term "refugee" which substantially coincides with the definition in the Convention with the important difference that the High Commissioner's mandate also extends to persons who have become refugees as a result of events occurring after 1 January 1951. Under his Statute, therefore, the High Commissioner is competent for all refugees as therein defined, irrespective of whether they are covered by the Convention. The fact that the Convention, unlike the Statute, contains a dateline, was not, however, of any great significance when the two instruments were adopted, since at that time their personal scope was in practice identical. With the passage of time, however, there is a growing discrepancy between the effect of these two instruments due to the increasing number of refugees who are not covered by the Convention but in respect of whom the High Commissioner is competent under his Statute.

4. The problem of the present limitation of the personal scope of the Convention and possible measures whereby the Convention might be adapted to new refugee situations were examined, inter alia, by a "Colloquium on Legal Aspects of Refugee Problems" which met in Bellagio, Italy, from 21 to 28 April 1965. The Colloquium, organized by the Carnegie Endowment for International Peace with the support of the Swiss Government, was composed of prominent legal experts from thirteen countries including countries in Africa and Asia. Its Report, addressed to the High Commissioner, was submitted to the Executive Committee at its Thirteenth Session (Document A/AC.96/INF.40). The Colloquium considered that it was urgent for humanitarian reasons that refugees not at present covered by the Convention should be granted similar benefits by means of an international instrument. It agreed that a recommendation or resolution would not be sufficient for this purpose and that a legally binding instrument would be necessary. The Colloquium was of the opinion that while it would be possible to proceed by way of the preparation and adoption of a new Convention, whether by revision of the existing Convention or otherwise, such a procedure would be too lengthy and cumbersome to meet the need for urgency.^{1/} It considered that the object could best be achieved by a Protocol to the Convention removing the existing dateline. (Report paragraphs 3 and 4).
5. The Colloquium's conclusions regarding the problem of the present limitation of the personal scope of the 1951 Convention were the subject of a Memorandum by the High Commissioner dated 23 September 1965. (HCR/RS/31). In this Memorandum the High Commissioner expressed agreement with the Colloquium's view that the problem

^{1/} The procedure for revision is laid down in Article 45 of the Convention which provides that:

"1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request."

should be dealt with by an international instrument possessing a legally binding character. Moreover, in view of the need for urgency, such an instrument should be capable of adoption by a simple and rapid procedure and that a Protocol would seem the most suitable for this purpose. Such a Protocol, dealing with a most pressing immediate need, would not, of course, from a long-term point of view, in any way prevent States from proceeding to a revision of the Convention, should this be considered necessary at any time.

6. The High Commissioner's Memorandum of 23 September 1965 formed the basis for consultation of Governments. It was sent to the Governments of States Parties to the 1951 Convention and of States Members of the Executive Committee under cover of a letter from the High Commissioner dated 13 October 1965. In this letter the Governments concerned were requested to indicate their views regarding the form and substance of the proposed measures.

7. The problem of the extension of the personal scope of the 1951 Convention was again considered by the Committee at its Fourteenth Session in October 1965. It is stated in the Report on the Session (Document A/AC.96/313 paragraph 33) that "most of the representatives who took part in the debate recognized the need to extend the personal scope of the Convention so that this basic legal instrument would become fully applicable to new groups of refugees pursuant to the Colloquium's recommendations."

8. At the Fifteenth Session of the Committee in May 1966, the High Commissioner submitted a document (A/AC.96/INF.59) in which he informed the Committee that he had received nineteen replies from Governments consulted dealing specifically with the questions raised in the letter dated 13 October 1965. A brief summary of these replies was annexed to the document. It is stated in the Report on the Session (Document A/AC.96/334, paragraph 25) that "members of the Committee noted with satisfaction that, as shown in more detail in document A/AC.96/INF.59, Governments had given generally a positive response to the proposed Protocol for the extension of the personal scope of the 1951 Convention. They expressed the hope that other favourable replies would be received from the Governments consulted." (Report of the Session, document A/AC.96/334, paragraph 25).

9. Since the issue of document A/AC.96/INF.59 (12 May 1966) thirteen further replies, similarly positive, have been received. A brief summary of the replies received as ... at 20 October 1966 is contained in Annex I.

COMMENTS ON THE DRAFT PROTOCOL

10. The Colloquium had agreed on the terms of the Preamble and substantive provisions of a Draft Protocol, the text of which was set out in Annex II to its Report. The text annexed to the High Commissioner's Memorandum of 23 September 1965 differed from the text prepared by the Colloquium in that it incorporated changes of a mainly technical character and included a provision permitting reservations in respect of the application of Article 38 of the Convention. (See paragraph 19 below). A further revised text of the Draft Protocol has been prepared in the light of comments by Governments and is to be found in Annex II to the present document. It includes Final Clauses prepared in consultation with the United Nations Secretariat.

11. According to Article I paragraphs 1 and 2, the States Parties to the Protocol would undertake to apply Articles 2 to 34 inclusive of the 1951 Convention (i.e. the substantive Articles of the Convention relating to refugee status), to refugees as defined in Article 1 of the Convention, but without the dateline.

12. The Draft Protocol thus incorporates the substantive provisions of the 1951 Convention. In line with the Colloquium's recommendations, however, the Protocol, although based on the Convention, would be an entirely separate and independent instrument, adherence to which would not be limited to States Parties to the Convention but would also be open to other States.

13. The Protocol would be applied by the States Parties thereto without any geographic limitation. (Article I paragraph 3). In its Report the Colloquium expressed the view that to give States adhering to the Protocol the option of introducing a geographic limitation would not be consistent with the purpose of the Protocol which was to extend the scope of the Convention as widely as possible. Moreover, as regards those States which had already made a declaration under Article 1 B of the Convention limiting their obligations thereunder to events occurring in Europe, it was felt that it would be desirable, as a general aim, that such declarations should be withdrawn as soon as possible. On the other hand, it was also felt that if the Protocol excluded their extension, this might deter some States which had made such a declaration from accepting the Protocol. The text prepared by the Colloquium therefore contained a proviso to the effect that existing declarations limiting the application of the Convention should, unless withdrawn, apply also under the Protocol. (Report paragraph (5)). In the interest of the widest possible adherence, a similar proviso has also been included in the present text. A geographic limitation applying by virtue of this proviso can, of course, be withdrawn at any time in accordance with Article 1 B (2) of the Convention.

14. Articles II and III reproduce mutatis mutandis Articles 35 and 36 of the Convention concerning co-operation of the national authorities with the United Nations, and information on national legislation. A provision corresponding to Article 37 of the Convention, dealing with the relation of the Convention to previous international instruments, has not been included, said this Article would not appear to have any great practical significance in relation to the Protocol.
15. The final clauses of the Protocol, prepared in consultation with the United Nations Secretariat, are separate from the final clauses of the Convention which are thus not applicable under the Protocol. They are contained in Articles IV to XI inclusive and concern settlement of disputes, accession, federal clause, reservations, entry into force, denunciation, notifications by the Secretary-General of the United Nations and deposit in the archives of the Secretariat of the United Nations. In the interest of the widest possible adherence, a provision corresponding to Article 40 of the Convention (Territorial Application Clause) has been omitted.
16. Article IV concerning the settlement of disputes reproduces the wording of Article 38 of the Convention.
17. Article V concerns accession. While the Convention (Article 39) provides for signature and ratification, it would seem appropriate, in line with the general aim of dealing with the problem of the dateline by the simplest and most rapid method, for the Protocol to provide for accession only.
18. Article VI, federal clause, reproduces mutatis mutandis the wording of Article 41 of the Convention.
19. Article VII deals with reservations. The first part of paragraph 1 of the Article provides that reservations may be made to Articles II and IV of the Protocol. Article II reproduces Article 35 of the convention (Co-operation of the National Authorities with the United Nations) and Article IV reproduces Article 38 of the Convention (Settlement of Disputes). While the Convention permits reservations to Article 35, no reservations are permitted to Article 38. [Some members of the Colloquium considered that Article 38 providing for the compulsory jurisdiction of the International Court of Justice might deter some States from adhering to the Protocol. The Colloquium felt that it was not in a position to evaluate the extent to which this Article would in fact prove an obstacle to adherence and in regard to this matter considered that it would be important to obtain the views of Governments.

The replies of Governments consulted indicate that in the interest of the widest possible adherence, it would be desirable for the Protocol to permit reservations to Article IV which reproduces Article 38 of the Convention.

20. The second part of paragraph 1 of Article VII permits reservations in respect of the application in accordance with Article I of the Protocol of any provisions of the Convention other than Articles 1, ²2, 3, 4, 16(1) and 33 which, under the Convention, are not reservable. Following consultation with Governments, a proviso has been added, the aim of which is to make it clear that reservations to the Protocol made by a State Party to the Convention shall not extend to persons in respect of whom the Convention applies.

21. Paragraph 2 of Article VII is new and has also been added following consultation with Governments. By virtue of this paragraph, existing reservations under the Convention would be deemed to apply pro tanto under the Protocol and to this extent would not require to be repeated, thus facilitating the constitutional process of accession in certain countries. On acceding to the Protocol, however, States would be free, in accordance with paragraph 1, to make any further reservations to the Protocol not inconsistent with their existing obligations under the Convention.

22. Paragraph 3 of Article VII reproduces Article 42, paragraph 2, of the Convention.

23. As regards entry into force, dealt with in Article VIII, the requirement of six accessions is taken over from Article 43 of the Convention. Article VIII does not however specify a period of ninety days for the entry into force of the Protocol after the deposit of the sixth instrument of accession and after the deposit of its instrument of accession by each State acceding thereafter. The omission of this requirement would seem appropriate having regard to the desire for simplicity and speed.

24. Article IX, concerning denunciation, reproduces literally paragraphs 1 and 2 of Article 44 of the Convention. Paragraph 3 of Article 44 has not been taken over due to the absence from the Protocol of a "Territorial Application" clause.

25. Article X, concerning notifications by the Secretary-General of the United Nations, which is an adaptation of Article 46 of the Convention, and Article XI concerning deposit in the archives of the Secretariat of the United Nations would not appear to call for any special comment.

FURTHER ACTION WITH A VIEW TO SUBMITTING THE DRAFT PROTOCOL FOR CONSIDERATION
TO THE COMPETENT ORG/NS OF THE UNITED NATIONS

26. In view of the generally positive response of Governments and of the increasing urgency of the matter, the High Commissioner considers that it is now possible and desirable to proceed to the next stage and to take appropriate steps to submit the Draft Protocol for consideration to the competent bodies of the United Nations.

27. At the Fifteenth Session of the Committee the High Commissioner suggested that the most rapid procedure with a view to the adoption of the Protocol would be for the Committee to recommend that the Secretary-General be authorized by the General Assembly to open the text of the Protocol for signature by Governments (Report Document A/AC.96/334 paragraph 26). The High Commissioner believes that this procedure can now be initiated by submitting through the Economic and Social Council, the Draft Protocol as part of an Addendum to his Annual Report to the General Assembly.

A N N E X . I

Brief summary of replies from Governments to the
High Commissioner's letter dated 13 October 1965 *

ALGERIA *

The Government fully agrees with the recommendation of the Bellagio Colloquium and with the adoption of the Draft Protocol extending the personal scope of the 1951 Convention, it being understood that the adoption of the Protocol, - making it possible to deal with the most urgent needs, - would not preclude a revision of the Convention from a long-term point of view. Under the Protocol, States should be given the possibility of making reservations in respect of Article 38 of the Convention.

ARGENTINE *

The Government considers that the proposed Draft Protocol would constitute an appropriate international instrument for granting protection to new refugees. In order to be able to take a final position, however, the Government would desire to be informed of the observations made by other Governments with regard to the proposed Draft Protocol.

AUSTRIA *

The Government would give its support to an agreement extending the personal scope of the 1951 Convention.

BELGIUM

The Government is favourable to the extension of the personal scope of the 1951 Convention by means of a Protocol possessing a legally binding character. Since the Protocol would also be open to States not Parties to the 1951 Convention, it might be desirable to consider whether it should not also contain a provision that reservations previously made under the Convention should not be affected by accession to the Protocol.

* Replies marked with an asterisk have been received since the date of Document A/AC.96/INF.59 (12 May 1966).

BURUNDI *

At the 15th Session of the Executive Committee, the representative of Burundi stated that he had been authorized by his Government to inform the High Commissioner officially that Burundi approves the proposed draft provisions for extending the personal scope of the 1951 Convention. The Government of Burundi is prepared to sign the draft, subject to later ratification on the occasion of which it reserves the right to make reservations in respect of the Protocol to any provisions of the Convention other than Articles 1, 3, 4, 16(1), 33 and 37.

CAMEROON

The Government supports the effort to extend the personal scope of the Convention by means of the proposed Protocol and agrees that the Protocol should permit reservations in respect of Article 38 of the Convention.

CANADA

The Government will not be in a position to comment until the "White Paper on Immigration", now in preparation, has been tabled in the Canadian Parliament. It is, however, giving careful consideration to the proposed Protocol as part of its current review of immigration policy.

CENTRAL AFRICAN REPUBLIC *

The Government fully agrees with the recommendations made by the Bellagio Colloquium and with the Draft Protocol prepared by the High Commissioner for extending the scope of the 1951 Convention.

CHINA

The Government agrees in principle to the proposal to remove the date-line of 1 January 1951 by means of a legally binding Protocol serving as a provisional solution. It reserves its position regarding the other questions dealt with in the High Commissioner's Memorandum of 23 September 1965.

DEMOCRATIC REPUBLIC OF CONGO *

The Government agrees with the proposal to extend the scope of the 1951 Convention by means of a Protocol which would not however preclude a revision of the Convention.

DENMARK

The Government states that the competent Danish authorities recommend an extension of the scope of the Convention to cover all refugees irrespective of the dateline and of any geographic limitation, and have no objection to such an extension being effected by means of a Protocol as proposed.

FRANCE

The Government is in agreement with the proposal to remove the dateline by means of a Protocol, leaving open the possibility for those States which have introduced a geographic limitation under the Convention to decide whether this limitation shall be maintained under the Protocol. The possibility of making reservations with regard to certain Articles, in particular to Article 38, should be provided for in the interest of the widest possible adherence. The Government does not consider it appropriate for the Protocol to include a provision whereby the application of the Convention could be suspended.

GERMANY (Federal Republic of)

The Government is basically in agreement with the extension of the scope of the 1951 Convention by removing the dateline and the geographic limitation. It also considers that it would be desirable to examine the question of providing for the possibility of suspending the Convention in exceptional circumstances. On the other hand, it has certain reservations as to the creation of an independent instrument which would cover largely the same ground as the 1951 Convention and considers that it would be more appropriate to remove the dateline and the geographic limitation in the Convention by a revision of the Convention or by means of a purely additional Protocol.

GHANA *

The Government has no objection in principle to the removal of the limitation of the personal scope of the 1951 Convention because of the dateline.

GREECE

The Government agrees that the personal scope of the Convention should be extended by removal of the present dateline and that the right to make reservations should extend to Article 38 of the Convention. It should be made clear that reservations made by States on becoming Parties to the Convention should remain valid vis-à-vis States adhering to the Protocol. Entry into force of the Protocol should be dependent upon the deposit of at least fifteen instruments of ratification or accession.

HOLY SEE *

The Holy See is in agreement with the proposal to extend the personal scope of the 1951 Convention and with the Draft Protocol.

IRELAND

The Government agrees in principle with the conclusions reached by the Colloquium and with the preparation of a Protocol on the general lines proposed in the High Commissioner's Memorandum of 23 September 1965.

ISRAEL *

The Government has no objection in principle to the extension of the 1951 Convention by means of a Protocol as suggested. Reservations made by a State under the Convention should not be affected by accession to the Protocol, States being free at the same time to make such further reservations to the Protocol as may be permissible thereunder. The Protocol should also permit reservations in respect of Article 38 of the Convention.

ITALY

The Government agrees in principle with the proposed Protocol. The geographic limitation adopted by Italy - as well as by various other States - on becoming Parties to the Convention would, however, be maintained.

KENYA

The Government agrees to the proposed Protocol, while leaving open the possibility of making reservations at a later stage.

LEBANON *

Subject to the position previously adopted by the Government with regard to the Convention, the Government supports the extension of the personal scope of the Convention by a Protocol.

LIECHTENSTEIN *

The Government agrees that the personal scope of the 1951 Convention should be extended by removing the dateline by means of a Protocol as proposed. It would not raise any objections to a provision permitting reservations in respect of Article 38 of the Convention if this would facilitate accession to the Protocol by certain States. The Government would raise no objection to the Protocol being supplemented by a provision enabling States to suspend some of their obligations thereunder in exceptional circumstances.

MALAGASY REPUBLIC

The Government considers that the 1951 Convention should remain the universal instrument relating to the status of refugees. Accession to the proposed Protocol cannot, however, be considered in the immediate future pending the results of present efforts within the Organization of African Unity to prepare an instrument relating to African refugees.

NETHERLANDS

The Government agrees to a modification of the Convention as far as the dateline is concerned by means of a Protocol. It also considers that the coming into force of such a Protocol should be made conditional upon ratification or accession by a minimum number of States.

NORWAY

The Government is in agreement with the proposal to extend the scope of the 1951 Convention by removing the dateline and making it applicable to new categories of refugees, without any geographic limitation.

SENEGAL

The Government raises no objection to the proposed Protocol.

SWEDEN

The Government supports the proposed Protocol. It would not avail itself of the possibility to make a reservation in respect of Article 38 of the Convention.

SWITZERLAND

The Government agrees that the personal scope of the 1951 Convention should be extended by removing the dateline by means of a Protocol as proposed. It would not raise any objections to a provision permitting reservations in respect of Article 38 of the Convention if this would facilitate accession to the Protocol by certain States. While agreeing to the proposed Protocol, the Government would raise no objection to it being supplemented by a provision enabling States to suspend some of their obligations thereunder in exceptional circumstances.

TUNISIA

The Government agrees that the personal scope of the 1951 Convention should be extended along the lines of the proposed Protocol.

TURKEY

The Government is in agreement with the proposed extension of the personal scope of the 1951 Convention by means of a Protocol. It would however like to maintain the geographic limitation adopted upon ratification as well as the reservation made by Turkey at that time.

UNITED REPUBLIC OF TANZANIA *

The Government is in agreement with the extension of the personal scope of the 1951 Convention by a Protocol in the form proposed. It should permit reservations in respect of Article 38 of the Convention.

YUGOSLAVIA *

The Government is in agreement with the proposal for extending the personal scope of the 1951 Convention.

ANNEX II

Revised text of the Draft Protocol relating to the Status of Refugees

The States acceding to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as "the Convention") covers only those persons who have become refugees as a result of events occurring before 1 January 1951;

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention;

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951;

Have agreed as follows:

Article I

GENERAL PROVISION

1. The States Parties to the present Protocol undertake to apply Articles 2 to 34 inclusive of the Convention to Refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of the following paragraph, mean any person within the definition of Article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and ..." and the words "... as a result of such events", in Article 1 A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that where a declaration under Article 1 B (1) (a) of the Convention has previously been made by a State Party to the present Protocol and has not been extended under Article 1 B (2) of the Convention, the obligations of that State under the present Protocol shall be limited to persons who are refugees in accordance with paragraph 2 above as a result of events in Europe.

Article II

CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner or any other Agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

- (a) the condition of refugees,
- (b) the implementation of the present Protocol, and
- (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article III

INFORMATION ON NATIONAL LEGISLATION

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article IV

SETTLEMENT OF DISPUTES

Any dispute between Parties to the present Protocol relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article V

ACCESSION

The present Protocol shall be open for accession on behalf of all States Parties to the Convention relating to the Status of Refugees of 28 July 1951 and of any other State Member of the United Nations or Member of any of the specialized agencies or to which an invitation to accede will have been addressed by the General Assembly of the United Nations.

Article VI

FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

- (a) With respect to those articles of the Convention to be applied in accordance with Article I paragraph 1 of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of the Convention to be applied in accordance with Article I paragraph 1 of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment.

(c) A Federal State Party to the present Protocol shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with Article I paragraph 1 of the present Protocol showing the extent to which effect has been given to that provision by legislative or other action.

Article VII

RESERVATIONS

1. At the time of accession, any State may make reservations in respect of Articles II and IV of the present Protocol and in respect of the application in accordance with Article I of the present Protocol of any provisions of the Convention other than those contained in Articles 1, 2, 3, 4, 16(1) and 39, provided that in the case of a State Party to the Convention reservations made under this Article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with Article 42 thereof shall, unless withdrawn, be deemed to apply under the present Protocol to the same extent as under the Convention.

3. Any State making a reservation in accordance with paragraph 1 above may at any time withdraw the reservation by a communication to that effect addressed to the Secretary General of the United Nations.

Article VIII

ENTRY INTO FORCE

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article IX

DENUNCIATION

1. Any Contracting State may denounce the present Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

Article X

NOTIFICATIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS

The Secretary-General shall inform the States referred to in Article V above of the date of entry into force, accession, reservations and withdrawal of reservations to and denunciation of the present Protocol.

Article XI

DEPOSIT IN THE ARCHIVES OF THE SECRETARIAT OF THE UNITED NATIONS

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in Article V above.

(The date of the Protocol will be that of its adoption by the General Assembly)