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REPORT OF THE AD HOC COMMITTEE ON REFUGEES
AND STATELESS PERSONS SEP 1950

Second Session

Geneva
14 August to 25 August 1950

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<u>Chapter</u>	<u>Contents</u>	<u>Paragraphs</u>
I	Organization of the Committee	1 - 13
II	Preamble and Article I of the draft Convention relating to the Status of Refugees	14
III	Decisions and comments of the Committee	15 - 35
Annex I	Revised draft Convention	
Annex II	Draft Protocol relating to the status of stateless persons	

CHAPTER I
ORGANIZATION OF THE COMMITTEE

1. The Economic and Social Council considered the report of the Ad Hoc Committee on Statelessness and Related Problems (E/1618, E/AC.32/5) at its twelfth session and adopted the following resolution (E/1812):

"The Economic and Social Council

Takes note of the report 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

(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."

2. In pursuance of this resolution the Secretary General reconvened the ad hoc Committee on Refugees and Stateless Persons on 14 August 1950 in Geneva. The Session closed on 25 August 1950.

3. Of the thirteen governments nominated by the ECOSOC to be members of the Committee the following eleven governments sent representatives to the second session: Brazil, Belgium, Canada, China, Denmark, France, Israel, Turkey, United Kingdom, United States of America, Venezuela. The Governments of Poland and of the Union of Soviet Socialist Republics did not send representatives to the second session.

4. The following representatives of Governments members of the Committee participated in its work:

<u>Country</u>	<u>Representative</u>
Belgium	Mr. Albert Herment
Brazil	Mr. Enrico Pontezzo
Canada	Mr. Ross M. Winter Mr. N. F. H. Berlis
China	Mr. Hsiu Cha
Denmark	Mr. Knud Larsen
France	M. Rochefort Mr. Pierre Juvigny Mlle. Anne de Lissac
Israel	Mr. Jacob Robinson
Turkey	Mr. Hasan Nurelgin Mr. Miras
United Kingdom	Sir Leslie Brass Mr. James Howard

<u>Country</u>	<u>Representative</u>
United States	Mr. Louis Honkin
Venezuela	Mr. V. M. Perez-Perozo

5. The following observers from non-member Governments were present:

<u>Country</u>	<u>Representative</u>
Italy	Mr. Carlo Malfatti Mr. Ugo Theodoli
Switzerland	Mr. H. Cromer Mr. Schurch

6. The following observers from the specialized agencies were present:

Mr. Oblath	International Labour Organisation (ILO)
Mr. Wolf	
Mr. Weis	International Refugee Organisation (IRO)
Mr. Kullmann	

7. The following consultants of non-governmental organisations also attended:

Category A.

International Confederation of Free Trade Unions	Miss Sender
Inter-Parliamentary Union	Mr. de Clery
World Federation of United Nations Associations	Mrs. Evans

Category B and Register.

Catholic International Union for Social Service	Miss de Romer
Commission of the Churches on International Affairs	Mr. Rees Mr. Mouravieff
Consultative Council of Jewish Organisations	Mr. Temkin
International Cooperative Women's Guild	Miss Rossier
International Union of Catholic Women's Leagues	Miss de Romer
Liaison Committee of Women's International Organisations	Miss Rossier
Women's International League for Peace and Freedom	Mrs. Baer
World Jewish Congress	(Dr. Bienenfeld (Dr. Liban
Consultative Council of Jewish Organisations	Mr. Karlikow
International Federation of University Women	Miss Berg
Friends' World Committee for Consultation	Mr. Colin Bell

8. The vice-chairman Mr. Larsen (Denmark) opened the session in the absence of the Chairman Mr. Chance (Canada).

9. Mr. John Humphrey represented the Secretary General and Mr. Charles Hogan was secretary of the committee. Mr. Emile Giraud represented the Legal Department.

10. Mr. Larsen (Denmark) proposed that the committee elect a second vice-president and a rapporteur - the rapporteur of the first session being absent.

The committee elected Mr. Penteado (Brazil) as second vice president and Mr. Winter (Canada) as rapporteur by a unanimous vote.

11. The views of the members of the committee are contained in the summary records of its meetings (E/AC.32. SR/33-42).

12. The Committee expressed its appreciation to the International Refugee Organisation for the preparation of document E/AC.32/6, "Subject analysis of records of meetings" and expressed the hope that a similar document containing an analysis of the discussions of the Economic and Social Council, its Social Committee, and of the second session of the Ad Hoc Committee on Refugees and Stateless Persons on this subject could be prepared for the use of the General Assembly.

13. At its 42nd meeting on 25 August 1950, the Committee unanimously adopted its report.

CHAPTER II
PREAMBLE AND ARTICLE I OF THE
DRAFT CONVENTION RELATING TO THE STATUS
OF REFUGEES

14. On 11 August 1950 the Economic and Social Council decided to recommend the following to the General Assembly as the Preamble and Article I (Definition of the Term "Refugee") of the draft Convention relating to the Status of Refugees:

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 co-operation.

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 Organisation 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.

CHAPTER III
DECISIONS AND COMMENTS OF THE COMMITTEE

15. The revised drafts prepared by the Committee are contained in Annex I and II of this report.
16. The Committee considered its function to be primarily that of revising drafts for the consideration of the General Assembly. The drafts it prepared represent a general consensus. They do not, however, commit the governments which were represented.
17. The Committee gave careful consideration to the discussions at the Economic and Social Council, to the views expressed by observers at the meetings of the Committee and to the comments submitted by governments and specialized agencies. (The comments of the government of Yugoslavia (document E/1703/Add.7) were received in Geneva on the final day of the session of the Committee and could not be made available to the Committee. They will, however, be given general distribution). In many instances, these comments and observations did not suggest changes in the text. In some cases, the observations made dealt with problems peculiar to the country in question and the Committee did not feel that a change of general application was called for. In weighing all comments and observations the Committee was inspired by the same considerations as at its first session, namely, the desirability of establishing a standard generally acceptable and leaving it to individual nations who might not feel able to subscribe to that standard to note particular reservations.
18. The Committee gave particular attention to the criticism made in several comments that, in some respects, the draft Convention originally prepared was not self-sufficient but relied too heavily on interpretation in the comments. The Committee therefore deemed it advisable to introduce some of the ideas previously contained in the comments into the text of the Convention and, in particular, to clarify instances in which there appeared to be conflicts between the comment and the plain language of the text. Further, the Committee decided not to continue the practice of having a formal set of comments. Where it was felt that certain changes required comments, or where important issues had been raised, a note of explanation is contained herein.

19. After considering discussions in the Economic and Social Council and the observations of governments, the Committee retained the pattern whereby refugees would enjoy at least the same treatment as aliens generally in regard to most provisions, but preferred treatment - either that of nationals of a most favoured nation or that of nationals of the Contracting State - in regard to certain other rights. The Committee added a general provision (article 4, paragraph (1)) establishing the general principle that, where no other provision is contained in the Convention, refugees shall enjoy the same treatment as aliens generally. The Committee also thought it advisable to make it clear that the adoption of the present Convention should not impair any greater rights which refugees might enjoy prior to or apart from this Convention.

20. The Committee decided that it was not always necessary to insert in the text definitions of expressions used. However, since some question was raised as to the phrase "lawfully in the territory", the Committee expressed the view that, in any event, a Contracting State may consider that a refugee is no longer lawfully in its territory if he is in contravention of terms imposed as a condition of his admission or sojourn.

21. In Article 3, the Committee decided to clarify the meaning of the article by adding the phrase "within its territory", to make it clear that it was not intended to apply to special conditions of immigration imposed on aliens but only to the treatment of aliens within the territory of a Contracting State.

22. A serious question arose with regard to the exemption from reciprocity, (Article 4, paragraphs 2 and 3). It was the consensus of the Committee that the requirement of reciprocity in the original text should be revised because it was open to different interpretations in different countries. The revised text approved by the Committee preserves rights based on reciprocity for those refugees who were entitled to enjoy them on the date on which the Convention came into force in a particular State. The Committee was not unaware of the desirability of extending the same treatment to other refugees. It expressed the hope that States would give sympathetic consideration to extending rights, as far as possible, to all refugees without regard to reciprocity, particularly

where the rights have no relation to the requirements of residence, as, for example, compensation for war damages and persecution. Moreover, the Committee felt that a legal obligation in this sense would be acceptable only in regard to refugees who had resided in the country for a given period. Because it was impossible to ascertain what period of residence would be acceptable, the Committee used the phrase "for a certain period" on the understanding that the General Assembly would be better able to prescribe a definite period, if desirable. It was the understanding of the Committee that Article 4, paragraph 2, does not apply to rights conferred by treaty on nationals of a particular country only.

23. In Article 5, the Committee thought it advisable to add a paragraph in order to clarify the application of this article in regard to measures related to national security in time of war and national emergency.

24. Article 9 was revised by the Committee to bring this provision into conformity with existing Conventions on the subject.

25. The Committee concluded that there was a difference of substance between the English and French texts adopted at the first session in regard to certain provisions. The English text referred to refugees "lawfully in the territory" while the French referred to a refugee "régulièrement résidant", the literal English equivalent of the latter phrase having a more restrictive application. Re-examining the individual articles, it was decided in most instances that the provision in question should apply to all refugees whose presence in the territory was lawful, if it applies also to other aliens in the same circumstances. The meaning of the latter phrase was made explicit in a new article 3(b). In one case (article 12) the Committee agreed that the provision should apply only to a refugee "régulièrement résidant" on the territory of a Contracting State. The English text adopted is intended to approximate as closely as possible the scope of the French term.

26. In Articles 10 and 12, the Committee considered carefully suggestions for changes and reservations noted in the light of particular problems facing certain States, but decided that the previous provisions should be retained as the general standard.

27. With regard to Article 18, the Committee noted that the provisions in the draft Convention conform fully to the provisions of the resolution on migration adopted by the Economic and Social Council on 13 July 1950. In regard to this article, the Committee expressed its understanding that, despite the provisions of article 5(b), refugees should not be required to meet any conditions of local residence or affiliation which may be required of nationals.

28. With regard to Article 26, the Committee decided not to incorporate any change in the text. It noted that in some countries, freedom from penalties on account of illegal entry is also extended to those who give assistance for humanitarian reasons to such entrants.

29. In regard to Article 27, the Committee decided, after long discussion, to maintain the present text of the first paragraph. While several members expressed dissatisfaction with the vagueness of the term "public order", and with the different interpretations given to the term in different countries, it was felt necessary to take into account the jurisprudence which this term had acquired in certain systems of law. The Committee felt that this provision would permit the deportation of aliens who had been convicted of certain serious crimes where in that country such crimes are considered violations of "public order". The phrase "public order" would not, however, permit the deportation of aliens on "social grounds" such as indigence or illness. The procedural safeguards accorded to refugees were clarified and are now contained wholly in paragraph 2.

30. While some question was raised as to the possibility of exceptions to Article 28, the Committee felt strongly that the principle here expressed was fundamental and that it should not be impaired.

31. Article 30 was rewritten to take account of the terms of the Statute of the High Commissioner, approved by the General Assembly at its fourth session and amplified by the Economic and Social Council at its eleventh session.

32. Article 36 would permit reservations with regard to most provisions of the Convention. Several provisions, however, appear to be fundamental and not subject to reservations. With regard to Article 23, while reservations would

be permitted, it was obvious that a country could not, for example, issue travel documents but reserve the right not to permit re-entry.

33. The Committee also reiterated the hope that there will be few reservations. It was the opinion of the Committee that governments might not find it necessary to reserve an article as a whole when it would be sufficient to reserve exceptional cases or special circumstances in connection with the application of that article.

34. Several questions were raised with regard to the final clauses of the Convention. The Committee felt, however, that these questions apply as a rule to other conventions approved by the United Nations and that the General Assembly should give guidance on this matter.

35. With regard to Article 37, the Committee retained the provision that the Convention would come into effect when two States will have acceded to it. Some members, however, raised the question whether the requirement of a higher number of accessions would not be beneficial to refugees since such a requirement might induce more governments to accede.

ANNEX I

Revised draft Convention

Article 2

General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3

Non-discrimination

No Contracting State shall discriminate against a refugee within its territory on account of his race, religion, or country of origin, or because he is a refugee.

Article 3(A)

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees prior to or apart from this Convention.

Article 3(B)

For the purpose of this Convention:

- a) The term "in the same circumstances" implies that the refugee must satisfy the same requirements, including the same length and conditions of sojourn or residence, which are prescribed for the national of a foreign State for the enjoyment of the right in question,
- b) In those cases in which the refugee enjoys the "same treatment accorded to nationals" the refugee must satisfy the conditions required of a national for the enjoyment of the right in question.

Article 4

Exemption from reciprocity

1. Except where this Convention contains more favourable provisions a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.

2. Where aliens enjoy rights and benefits subject to reciprocity, a Contracting State shall continue to accord those rights and benefits, without regard to reciprocity, to a refugee who was already entitled to enjoy them on the date on which this Convention comes into force in relation to that State.

As regards other refugees a Contracting State shall accord the same rights and benefits to them, without regard to reciprocity, when they shall have been resident in its territory for a certain period.

3. The provisions of paragraph 2 apply equally to the rights and benefits referred to in articles 8, 13, 14 and 16 of this Convention as well as to rights and benefits other than those specified in this Convention.

Article 5

Exemption from exceptional measures

1. With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State, solely on account of such nationality.

2. Nothing in this Article shall prevent a Contracting State, in time of war or national emergency, from taking provisionally measures essential to the national security in the case of any person, pending a determination that the particular person is in fact a refugee and that such measures are still necessary in his case in the interests of national security.

Article 6

Continuity of residence

The Contracting States agree that:

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is residing there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.
2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has subsequently returned there, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 7

Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights dependent on personal status, more particularly rights attaching to marriage, previously acquired by a refugee, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities prescribed by the law of the country of his domicile, or, if he has no domicile, by the law of the country of his residence.

Article 8

Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible, and, in any event, not less favourable than that accorded generally to aliens in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 9

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, industrial designs or models, trade marks, trade names, and of rights in literary, scientific and artistic works, a refugee shall be accorded in the country in which he is resident the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he is resident.

Article 10

Right of Association

As regards non-profit making associations and trade unions the Contracting States shall accord to refugees lawfully in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 11

Access to Courts

1. A refugee shall have free access to the courts of law on the territory of the Contracting States.
2. In the country in which he has his habitual residence, a refugee shall enjoy in this respect the same rights and privileges as a national. He shall, on the same conditions as a national, enjoy the benefit of legal assistance and be exempt from cautio judicatum solvi.
3. In countries other than that in which he has his habitual residence, a refugee shall be accorded, in these matters, the treatment granted to a national of the country of his habitual residence.

Article 12

Wage-earning employment

1. The Contracting States shall accord to refugees lawfully living in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - (a) He has completed three years' residence in the country;
 - (b) He has a spouse possessing the nationality of the country of residence;
 - (c) He has one or more children possessing the nationality of the country of residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees in this regard to those of nationals, and in particular those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 13

Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible, and in any event, not less favourable than that accorded generally to aliens in the same circumstances, as regards the right to engage in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 14

Liberal professions

1. The Contracting States shall accord to refugees lawfully in their territory who hold diplomas recognized by the competent authorities of the country of residence, and who are desirous of practising a liberal profession, treatment as favourable as possible, and in any event, not less favourable than that accorded generally to aliens in the same circumstances.
2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in their colonies, protectorates or in Trust Territories under their administration.

Article 15

Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply refugees shall be treated on the same footing as nationals.

Article 16

Housing

As regards housing, the Contracting States in so far as the matter is regulated by laws or regulations, or is subject to the control of public authorities, shall accord to refugees lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded generally to aliens in the same circumstances.

Article 17

Public education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees the most favourable treatment accorded to nationals of a foreign country with respect to education other than elementary education and, in particular, as regards access to studies, the remission of fees and charges and the award of scholarships.

Article 18

Public relief

The Contracting States shall accord to refugees lawfully in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 19

Labour legislation and social security

1. The Contracting States shall accord to refugees lawfully in their territory the same treatment as is accorded to nationals in respect of the following matters:-
 - (a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities; remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons and the enjoyment of the benefits of collective bargaining;
 - (b) Social security (legal provisions in respect of employment injury, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency, which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

- (1) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (11) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.
2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.
 3. The Contracting States whose nationals enjoy the benefits of agreements for the maintenance of acquired rights and rights in the process of acquisition in regard to social security, shall extend the benefits of such agreements to refugees subject only to the conditions which apply to their nationals.
 4. The Contracting States will give sympathetic consideration to extending to individual refugees so far as possible the benefits of similar agreements which may have been concluded by such Contracting States with the country of the individual's nationality or former nationality.

Article 20

Administrative assistance

1. The Contracting States in whose territory the exercise of a right by aliens would normally require the assistance of the authorities of his country of nationality shall arrange that such assistance be afforded to refugees by an authority or authorities, national or international.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered to refugees such documents or certifications as would normally be delivered to other aliens by their national authorities.

3. Documents or certifications so delivered shall stand in the stead of and be accorded the same validity as would be accorded to similar instruments delivered to aliens by their national authorities.
4. Subject to such exceptional treatment as may be granted to indigent refugees, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.
5. The provisions of this article shall be without prejudice to articles 22 and 23.

Article 21

Freedom of movement

The Contracting States shall accord to refugees lawfully in their territory the right to choose their place of residence and to travel freely within their territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 22

Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document issued pursuant to article 23.

Article 23

Travel documents

1. The Contracting States shall issue, on request, to a refugee lawfully resident in their territory, a travel document for the purpose of travel outside their territory; and the provisions of the Schedule to this Convention shall apply with respect to such document. The Contracting States may issue such a travel document to any other refugee in their territory who is not in possession of such a document, and shall give sympathetic consideration to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 24

Fiscal charges

1. The Contracting States shall not impose upon refugees in their territory duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.
3. The Contracting States reserve the right to impose upon refugees a special duty, of a moderate amount, payable either on identity cards, or residence permits or on travel documents. Revenue accruing from this duty shall be wholly applied to charities for the relief of refugees.

Article 25

Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit a refugee to transfer assets which he has brought with him into its territory, to another country where he has been admitted for the purposes of resettlement.
2. The Contracting State shall give sympathetic consideration to the application of a refugee for permission to transfer assets wherever they may be and which are necessary for his resettlement to another country where he has been admitted.

Article 26

Refugees not lawfully admitted

1. The Contracting States shall not impose penalties, on account of his illegal entry or presence, on a refugee who enters or who is present in their territory

without authorization, and who presents himself without delay to the authorities and shows good cause for his illegal entry or presence.

2. The Contracting States shall not apply to such refugees restrictions of movement other than those which are necessary and such restrictions shall only be applied until his status in the country is regularized or he obtains admission into another country. The Contracting States shall allow such refugee a reasonable period and all the necessary facilities to obtain admission into another country.

Article 27

Expulsion of refugees lawfully admitted

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such refugee shall be only in pursuance of a decision reached in accordance with due process of law. The refugee shall have the right to submit evidence to clear himself and to appeal to and be represented before competent authority.

3. The Contracting States shall allow such refugees a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 28

Prohibition of expulsion to territories where the life or freedom of a refugee is threatened

No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality or political opinion.

Article 29

Naturalization

The Contracting States shall as far as possible facilitate the assimilation

/and naturalization

and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Article 30

Co-operation of the national authorities with the United Nations

1. The Contracting States undertake to co-operate with the United Nations High Commissioner's Office for Refugees, or other agency charged by the United Nations with the international protection of refugees, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the High Commissioner's Office or other appropriate agency of the United Nations to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with any data, statistics, and information requested concerning

- a) the condition of refugees,
- b) the implementation of this Convention, and
- c) all regulations, laws, decrees, etc., made by them concerning refugees.

Article 31

Measures of implementation of the Convention

Each of the Contracting States shall, within a reasonable time and in accordance with its constitution, adopt legislative or other measures to give effect to the provisions of this Convention, if such measures are not already in effect.

Article 32

Relation to previous Conventions

1. Without prejudice to article 23, paragraph 2, of this Convention, this Convention replaces the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926,

30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, and the Agreement of 15 October 1946, as between all parties to this Convention.

2. As between two States parties to a previous instrument mentioned in paragraph 1 of this article, one of which is not party to this Convention, the previous agreement shall continue in force.

3. Each of the above-mentioned instruments shall be deemed to be terminated when all the States parties thereto shall have become parties to this Convention.

CHAPTER VII

FINAL CLAUSES

Article 33

Settlement of disputes

If any dispute shall arise between parties to this Convention relating to its interpretation or application, and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice.

Article 34

Signature, ratification and accession

1. This Convention shall be open until ... (one year after the Convention is opened for signature) for signature on behalf of any Member State of the United Nations and on behalf of any non-member State to which an invitation has been addressed by the Economic and Social Council.

2. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The States mentioned in the first paragraph which have not signed the Convention by the ... (date indicated in the first paragraph) may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 35

Colonial clause

1. Any State may, at the time of signature, ratification or accession or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the day of receipt by the Secretary-General of the United Nations of this notification.

2. Each State undertakes with respect to those territories to which the Convention is not extended at the time of signature, ratification or accession to take as soon as possible the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the governments of such territories.

3. The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in article 36 for transmission to the responsible authorities of:

- (a) Any Non-Self Governing Territory administered by them;
- (b) Any Trust Territory administered by them;
- (c) Any other non-metropolitan territory for the international relations of which they are responsible.

Article 36

Reservations

1. At the time of signature, ratification or accession, Contracting States may make reservations to articles of the Convention other than articles 1, 3, 11 para 1, 28 and Chapters VI and VII.

2. The Contracting State making reservations in accordance with par. 1 of this article may at any time withdraw these reservations by a communication to that effect addressed to the Secretary-General. The Secretary-General shall bring such communication to the attention of the other Contracting States.

Article 37

Entry into force

This Convention shall come into force on the ninetieth day following the day of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 38

Denunciation

1. Any Contracting State may denounce this Convention at any time by a written 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.

3. Any Contracting State which has made a declaration under article 35, paragraph 1, may at any time thereafter, by a written notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 39

Revision

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

The Economic and Social Council shall recommend the steps, if any, to be taken in respect of such request.

Article 40

Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 34:

- (a) Of signatures, ratifications and accessions received in accordance with article 34;
- (b) Of the date on which this Convention will come into force in accordance with article 37;
- (c) Of reservations made in accordance with article 36;
- (d) Of denunciations received in accordance with article 38;
- (e) Of requests for revision received in accordance with article 39.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments, and of which the Chinese, English, French, Russian and Spanish official texts are equally authentic.

Done at _____ this _____ day of _____, in a single copy, which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all the Members of the United Nations and to the non-member States referred to in article 34.

SCHEDULE

(see article 23)

Paragraph 1 (3)^{1/}

1. The travel document referred to in article 23 of this Convention shall be similar to the specimen annexed hereto.
2. The document shall be made out in at least two languages - one of which shall be English or French.

Paragraph 2 (4)

Subject to the regulations obtaining in the country of issue, children may be included in the document of an adult refugee.

1/ The numbers in brackets refer to the article of the London Agreement of 15 October 1946, set out on page 154 of document E/1112, which correspond in substance.

/Paragraph 3

Paragraph 3 (5)

Without prejudice to the provisions of Article 24, paragraph 3, of this Convention the fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4 (6)

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5 (7)

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6 (8)

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.
2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.
3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7 (9)

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 23 of this Convention.

Paragraph 8 (10)

The competent authorities of the country to which the refugee desires to

proceed shall, if they are prepared to admit him and if a visa is required, affix visa on the document of which he is the holder.

Paragraph 9 (11)

The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

Paragraph 10 (12)

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11 (13)

When a refugee has lawfully taken up residence in the territory of another Contracting State, the power to issue a new document will be in the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12 (14)

The authority issuing a new document shall withdraw the old document.

Paragraph 13 (15)

1. The document shall entitle the holder to leave the country where it has been issued and, during the period of validity of the document, to return thereto without a visa from the authorities of that country, subject only to those regulations which apply to returning resident aliens bearing duly visaed passports or re-entry permits. Where a visa is required of a returning national a visa may be required of a returning refugee but shall be issued to him on request and without delay.
2. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14 (16)

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15 (17)

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16 (18)

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX II.

DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

The Contracting States,

Considering that the Convention Relating to the Status of Refugees dated _____ deals only with refugees, whether stateless or not, who are the special concern of the United Nations, as evinced in numerous resolutions of the General Assembly, and

Considering, moreover, that there are many stateless persons not covered by the said Convention who do not enjoy any national protection and, pending a more special solution of the problem of such persons, it appears desirable to improve the status of these persons;

Now therefore undertake to apply, mutatis mutandis, the provisions of Articles 2 to 4, 6 to 11, 12 paragraphs 1, 13, 14 paragraphs 1, 15 to 23, 24 paragraphs 1 and 2, 27, 29 and 31 of the Convention Relating to the Status of Refugees, to stateless persons to whom that Convention does not apply.

This Protocol shall not apply to persons referred to in paragraph 5 of part B of Article I of said Convention.

The standard final clauses follow.
