



LIMITED

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CONFERENCE OF PLENIPOTENTIARIES
ON THE STATUS OF REFUGEES AND
STATELESS PERSONS
(Item 6 of the agenda)

DRAFT CONVENTION RELATING
TO THE STATUS OF REFUGEES

Text of Article 1 adopted by the Conference
on 20 July 1951

Definition of the term "refugee"

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

(1) Has been 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, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of the present article;

(2) As a result of events occurring before 1 January 1951 in Europe, or in Europe and other continents, as specified in a statement to be made by each High Contracting Party at the time of signature, accession or ratification, and owing to well-founded fear of being persecuted for

reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or is unwilling to return to it;

I. In the case of a person who has more than one nationality, the above term "the country of his nationality" shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. The present Convention shall cease to apply to any person falling under the terms of section A if:

- (1) He has voluntarily reavailed himself of the protection of the country of his nationality; or
- (2) Having lost his nationality, he has voluntarily reacquired it; or
- (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality.

Provided that this paragraph shall not apply to refugees falling under section A(1) of this Article who are able to invoke compelling reasons arising out of previous persecutions for refusing to avail themselves of the protection of the country of nationality.

- (6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, able to return to the country of his former habitual residence.

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this Article who is able to invoke compelling reasons arising out of previous persecutions for refusing to return to the country of his habitual residence.

C. The present Convention shall not apply to persons who are at present receiving from other organs or agencies of the United Nations protection or assistance.

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

D. The present Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

E. The provisions of the present Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b)* he has committed a serious crime under common law outside the receiving country prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

F. If a Contracting State decides to add to the definition of the term 'refugee' contained in the present article persons in other categories, including such as may be recommended by the General Assembly, it shall notify the Secretary-General of the United Nations, who shall request the other Contracting States to inform him whether they accept that extension as far as it concerns them and, if so, when it may be considered as entering into force in their territory. The Secretary-General shall notify all Contracting States of any decisions taken in the matter.

* Paragraphs (b) and (c) were adopted on the basis of the French text. The above is a translation.