

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

London
E/REF/12
10 April 1946
ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

Suggested draft of broad definition,
for the purposes of the work of the
Committee, of the terms "refugee" and
"displaced person".

Note by the DIRECTOR of the INTERGOVERNMENTAL COMMITTEE ON REFUGEES

1. The term "Refugees" has historically been used to refer to persons who leave their country of nationality or residence because of fear of danger to their lives or liberties on account of their race, religion or political beliefs; or who, if already absent from their country of nationality or residence, do not return to it because of such fear. Refugees are usually stateless, lacking in law or in fact the protection of any government. Whether stateless or not, they are considered to be refugees until they become re-established in their former country of nationality or residence, or become newly established in another country - with the right of nationality or, at least, the right of settled residence.

2. The term "Displaced Persons" has recently been used to refer to persons who were obliged to leave their homes by reason of the second World War, either for places elsewhere within their country of nationality or residence, or for places beyond its boundaries. Some of those displaced within their country of nationality or residence, and most of those displaced beyond its boundaries, were obliged to leave their homes by deliberate action of an enemy power, either for purposes of forced labour or because of race, religion or activities in favour of United Nations. Displaced persons, even those internationally displaced, have been, and still are, in great majority possessed of nationality; but they are considered to be displaced persons if they

have not yet returned to their homes, or found new homes, in their former country of nationality or residence.

3. It is assumed that the Special Committee desires to have suggested to it a form of words or a method by which, within the above general descriptions of refugees and displaced persons, those persons could be defined who would become the concern of whatever international body may be recognized or established for the purpose. Generally, experience has shown that for practical purposes it is expedient to define such persons in terms of categories, the right of individual assistance being dependent on inclusion of the person within one or other of the categories unless he is otherwise disqualified. This ensures a precision which is difficult to obtain by an omnibus mandate conceived in terms of the individual person in isolation and not as a member of a specific category. If this method were adopted, the categories of persons who would become the concern of whatever international body may be recognized or established might be classified as:

- (i) those existing at the beginning of the second World War
- (ii) those arising out of the second World War.

The definition of the first class need present little difficulty, since there already exist definitions which have served as the basis of international protection or other assistance and which have stood the test of practical working. Some of these definitions would require slight adjustment to meet existing conditions, but, subject to this, it is suggested that these definitions be recognized and continued. For the second class a new definition will be necessary. Bearing in mind both classifications, the following formula is offered as a basis for consideration by the Special Committee:

"The following categories shall be the concern of the international body:

- (a) those categories of refugees which were in existence at the beginning of the second World War and which or

1 January 1946 were included in an established system of inter-governmental protection or other assistance.

(b) those persons who have been displaced, as a direct or indirect result of the second world war, from their countries of nationality or residence, prior to (a specified date), or who were outside of their countries of nationality or residence on that date, and who definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or residence, are unwilling to return to those countries and are further unwilling to avail themselves of the protection of the governments of those countries.

(c) any category which the international body may in future include."

The category of persons described in paragraph (e) of the resolution of the General Assembly 12 February, 1946, would be excluded from the above formula; and any action of the international body in respect of categories included within the formula would be subject to the provisions of paragraph (d) of that resolution.

4. It is recognized that there may be a transitional period during which the international body, in the absence of any other international organization, may assume the care of displaced persons on a wider basis than that covered by the formula offered above.
