

REFUGEE LAW, 1992 (PNDCL 305D)

ARRANGEMENT OF SECTIONS

Section

PART I—PROHIBITION OF EXPULSION OF REFUGEES

1. Prohibition of expulsion or return of refugees, etc.
2. Illegal entry or presence in Ghana of a refugee
3. Detention and expulsion of refugees

PART II—ESTABLISHMENT OF REFUGEE BOARD

4. Establishment and membership of Refugee Board
5. The functions of the Board
6. Meeting of the Board
7. Committees of the Board

PART III—PROCEDURE FOR APPLICATION AND GRANT OF REFUGEE STATUS, APPEALS, ETC.

8. Application for refugee status
9. Appeal on refusal to grant refugee status
10. Residence in Ghana pending recognition

PART IV—RIGHTS AND DUTIES OF REFUGEES

11. Rights and duties of refugees
12. Further provisions relating to family members of recognised refugees.
13. Designated areas for refugees
14. Naturalization
15. Withdrawal of refugee status
16. Effect of withdrawal of recognition
17. Cessation of refugee status

PART V—MISCELLANEOUS

18. Establishment of Refugee Fund
19. Objects of the fund
20. Bank Account
21. Annual report of the Board
22. Audit
23. Staff for the Board
24. Offences relating to false information and penalty
25. Regulations
26. Interpretation
27. Modification of the Aliens Act

SCHEDULE

Part I

Part II

Part III

WHEREAS the United Nations Convention Relating to the Status of Refugees of 1951 and the United Nations Protocol Relating to the Status of Refugees of 1967 have been ratified by the Government of

Ghana;

WHEREAS the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of September 1969 was ratified by the Government of Ghana;

AND WHEREAS it is necessary to give effect to the said Conventions and Protocol in order that the provisions of these shall have the force of law in Ghana;

NOW THEREFORE in pursuance of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

PART I—PROHIBITION OF EXPULSION OF REFUGEES

Section 1—Prohibition of Expulsion or Return of Refugees, Etc.

- (1) Notwithstanding any other law to the contrary but subject to the provisions of this Law, no person who is a refugee within the meaning of this Law shall be refused entry into Ghana, expelled or extradited from Ghana or returned to the frontiers of any territory if as a result of such refusal, expulsion or return the person is compelled to return to or remain in a country where—
 - (a) his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion; or
 - (b) his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in that country or any part of it.
- (2) Subsection (1) shall not apply to a refugee who—
 - (a) is a danger to the security of Ghana;
 - (b) has committed a serious non-political crime outside Ghana prior to his entry into Ghana; or
 - (c) having been convicted of serious crime in Ghana, constitutes a real danger to the public.

Section 2—Illegal Entry or Presence in Ghana of a Refugee.

Notwithstanding any provision of the Aliens Act, 1963 (Act 160) but subject to the provisions of this Law, a person claiming to be a refugee within the meaning of this Law, who illegally enters Ghana or is illegally present in Ghana shall not—

- (a) be declared a prohibited immigrant;
- (b) be detained; or
- (c) be imprisoned or penalised in any other manner merely by reason of his illegal entry or presence pending the determination of his application for a refugee status.

Section 3—Detention and Expulsion of Refugees.

A refugee may be detained or expelled for reasons of national security or public order except that no refugee shall be expelled to a country where he has reason to fear persecution.

PART II—ESTABLISHMENT OF REFUGEE BOARD

Section 4—Establishment and Membership of Refugee Board.

- (1) There is hereby established a Board to be known as the Refugee Board (referred to in this Law as "the Board").
- (2) The Board shall consist of—
 - (a) a Chairman appointed by the PNDC;

- (b) a representative of the Ministry of the Interior not below the rank of a Director;
- (c) a representative of the Ministry of Foreign Affairs not below the rank of a Director;
- (d) a representative of the Immigration Service not below the rank of an Assistant Director of Immigration;
- (e) the Inspector-General of Police or his representative not below the rank of Assistant Commissioner of Police;
- (f) a representative of the C.D.R. Secretariat not below the rank of a Regional Organising Assistant;
- (g) a representative of the Ministry of Mobilisation and Social Welfare not below the rank of a Director;
- (h) a representative of the Bureau of National Investigation with the equivalent rank of an Assistant Commissioner of Police;
- (i) a representative of the Ministry of Justice not below the rank of a Principal State Attorney;
- (j) a representative of the Ministry of Education not below the rank of an Assistant Director of Education;
- (k) a representative of the National Mobilisation Programme not below the rank of a Director; and
- (l) a representative of the office of the United Nations High Commissioner for Refugees in Ghana who shall participate in deliberations of the Board as an observer.

Section 5—The Functions of the Board.

The functions of the Board are to—

- (a) receive and consider applications for refugee status;
- (b) recognise any person or group of persons as refugees for the purposes of this Law;
- (c) register and keep a register of persons recognised as refugees under this Law;
- (d) seek co-operation with non-governmental organisations on matters relating to refugees;
- (e) assist in seeking employment or education for refugees and members of their families;
- (f) endeavour to ensure the provision of adequate facilities, advice and services for the reception and care of refugees in Ghana;
- (g) administer and manage the Refugee Fund established under this Law;
- (h) advise the Secretary on all matters relating to refugees;
- (i) perform all functions conferred upon it under this Law; and
- (j) perform any other function that may be assigned to it by the PNDC.

Section 6—Meeting of the Board.

- (1) The Board shall meet at such times and at such places as the Chairman may determine but shall meet at least once every two months.
- (2) The Chairman shall preside at meetings of the Board and in his absence the members present shall elect one of their number to preside.
- (3) Six members of the Board shall constitute a quorum at any meeting of the Board.
- (4) Questions proposed at meetings of the Board shall be determined by a simple majority of members present and voting and in the event of equality of votes the Chairman or the person presiding shall have a casting vote.

- (5) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by any defect in their appointment.
- (6) The Board may co-opt any person to act as an adviser or assist it at any of its meetings but no co-opted person shall be entitled to vote on any matter before the Board.
- (7) Except as otherwise provided in this section the Board shall regulate its own procedure for its meetings.

Section 7—Committees of the Board.

- (1) The Board may appoint such committees as it considers necessary to assist it in the performance of its functions.
- (2) A committee of the Board may consist of members of the Board or non-members or both but every such committee shall have as its chairman a member of the Board.

PART III—PROCEDURE FOR APPLICATION AND GRANT OF REFUGEE STATUS, APPEALS, ETC.

Section 8—Application for Refugee Status.

- (1) Any person who is within the boundaries of Ghana, whether he entered lawfully or unlawfully who wishes to remain in Ghana as a refugee within the meaning of this Law shall within 14 days of his entry into Ghana or such further period as the Board may allow, make an application for recognition as a refugee to the Board through the nearest immigration officer at his point of entry, through any immigration officer, a police officer or through the office of the United Nations High Commissioner for Refugees in Ghana.
- (2) The office through whom or the office through which the application is made shall within 7 days of the receipt of the application, forward the application, together with any documents or other information which the applicant is able to provide in support of the application, to the Board.
- (3) The Board shall consider every application referred to it within 30 days of the receipt of the application and shall within the 30 days or thereafter make such inquiry or investigation as the Board thinks necessary into the application and may for the purpose of its investigation, invite the applicant to appear before it.
- (4) After its investigation, the Board may recognise or refuse to recognise the applicant as a refugee; and shall notify the applicant of its decision in writing.

Section 9—Appeal on Refusal to Grant Refugee Status.

- (1) Any person who is aggrieved by a refusal of the Board to grant him a refugee status, may within 30 days of being notified of such refusal, appeal in writing to the Secretary.
- (2) Where an appeal is made to the Secretary under subsection (1), the Secretary may confirm or reverse the decision of the Board and shall in writing notify the applicant of his decision on the matter which shall be final.
- (3) Before reaching a decision on an appeal under this section, the Secretary may do all or any of the following—
 - (a) invite the representative in Ghana of UNHCR to make oral or written representation in the matter;
 - (b) refer the matter back to the Board for further inquiry and investigation to be made;
 - (c) make such further inquiry and investigation into the matter as he thinks necessary.

(4) While awaiting the final decision of the Board, the applicant shall be allowed to remain in the country.

Section 10—Residence in Ghana Pending Recognition.

- (1) Notwithstanding the provisions of any other law, a person who has applied for recognition as a refugee, and every member of his family shall have the right to remain within Ghana—
- (a) until the person has been recognised as a refugee; or
 - (b) in the event of the application being unsuccessful, until the applicant has had the opportunity to exhaust his right of appeal under section 9; or
 - (c) where an appeal has been dismissed, until the applicant has been allowed a reasonable time not exceeding three months, to seek admission to a country of his choice.
- (2) The Secretary may on an application made to him by the person concerned, extend the period referred to in subsection (1)(c) where he is satisfied that there is a reasonable likelihood of the person being admitted to a country of his choice within the extended period.

PART IV—RIGHTS AND DUTIES OF REFUGEES

Section 11—Rights and Duties of Refugees.

- (1) A person granted refugee status in Ghana shall be entitled to the rights and be subject to the duties specified in—
- (a) the articles of the United Nations Convention Relating to the Status of Refugees of 1951 set out in Part I of the Schedule to this Law;
 - (b) the Protocol Relating to the Status of Refugees of 1967 set out in Part II of the Schedule to this Law; and
 - (c) the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa set out in Part III of the Schedule to this Law.
- (2) Every person who has been granted a refugee status under this Law and the members of his family shall, subject to the provisions of this Law be—
- (a) issued with identity cards in the prescribed form;
 - (b) issued with residence permit;
 - (c) issued with the United Nations Travel Document where appropriate; and
 - (d) subject to all the laws in force in Ghana.

Section 12—Further Provisions Relating to Family Members of Recognised Refugees.

- (1) A member of the family of a person granted refugee status in Ghana shall subject to the provisions of this Law be permitted to remain in Ghana for as long as the refugee is permitted to remain in Ghana and shall be entitled to the same benefits and right as the refugee.
- (2) Where a member of the family of the refugee is within Ghana by virtue of subsection (1) and he ceases to be such a family member by reason of his marriage, attainment of age of majority or the cessation of his dependence on the refugee, he shall be permitted to continue to remain in Ghana.
- (3) Upon the death of the person with refugee status or upon his divorce or legal separation from a spouse, any person who immediately before the death, divorce or legal separation was within Ghana by virtue of this section as a member of the family of the refugee shall be permitted to continue to remain in Ghana.

- (4) Any person who has been permitted to remain in Ghana by virtue of subsections (2) or (3) of this section, may apply for a refugee status.

Section 13—Designated Areas for Refugees.

The Secretary may, by notice in the Gazette or by any other means of communication, as he deems appropriate designate places and areas in Ghana where—

- (a) persons with refugee status;
- (b) persons who have applied under this Law for refugee status; and
- (c) members of the families of persons referred to in paragraphs (a) and (b) of this section, or any class thereof shall be alive.

Section 14—Naturalization.

Subject to the relevant laws and regulations relating to naturalization, the Board may assist a refugee who has satisfied the conditions applicable to the acquisition of Ghanaian nationality to acquire Ghanaian nationality.

Section 15—Withdrawal of Refugee Status.

- (1) Where at any time the Board considers that there are reasonable grounds for believing that a person who has been recognised as a refugee—
 - (a) should not have been so recognised; or
 - (b) has ceased to qualify as a refugee for the purposes of this Law, the Board may withdraw the recognition.
- (2) A withdrawal of refugee status shall be communicated in writing to the person concerned.
- (3) Any person aggrieved by a decision of the Board to withdraw his recognition as a refugee, may within fourteen days of being notified of such withdrawal appeal in writing to the Secretary and the decision of the Secretary on it shall be final.
- (4) The Secretary may before reaching a decision on an appeal under this section do all or any of the following:—
 - (a) invite the representative in Ghana of the office of the United Nations High Commissioner for Refugees to make oral or written representation in the matter;
 - (b) refer the matter back to the Board for further investigation;
 - (c) make such further inquiry and investigation as he thinks fit into the matter.

Section 16—Effect of Withdrawal of Recognition.

- (1) Where the Board has by virtue of section 15 withdrawn the recognition of any person as a refugee, that person shall cease to be a refugee, and any protection granted to members of his family, shall cease with effect from—
 - (a) 14 days after the date on which the Board notified the person concerned of the withdrawal of recognition; or
 - (b) where an appeal has been lodged with the Secretary under subsection (3) of section 15 the date on which the Secretary notifies him confirming the decision of the Board.
- (2) Any member of the family who may be affected by this section may apply for refugee status.

Section 17—Cessation of Refugee Status.

A person shall cease to be a refugee for the purposes of this Law if—

- (a) he voluntarily re-avails himself of the protection of the country of his nationality;
- (b) he becomes a Ghanaian citizen or acquires the nationality of another country and enjoys the protection of the country of his new nationality;
- (c) voluntarily re-establishes himself in the country which he left, or outside which he remained owing to his fear of persecution;
- (d) he can no longer, because the circumstances in connection with which he was granted a refugee status have ceased to exist, continue to refuse to avail himself of the protection of his country of nationality; except that this paragraph shall not apply to a person who satisfies the Board that he has compelling reasons arising out of previous persecution, for refusing to avail himself of the protection of his country of nationality or refusing to return to his country of habitual residence; or
- (e) his refugee status is withdrawn.

PART V—MISCELLANEOUS

Section 18—Establishment of Refugees Fund.

- (1) There is hereby established a fund to be known as the Refugees Fund.
- (2) The sources of the Refugees Fund shall consist of—
 - (a) contributions from the Government;
 - (b) contributions from local and international organisations;
 - (c) contributions from foreign governments;
 - (d) monies realized from projects of the Fund; and
 - (e) contributions from any other sources.

Section 19—Objects of the Fund.

- (1) The Refugee Fund shall be used for the following purposes:
 - (a) provision of relief aid for refugees;
 - (b) establishment of settlement projects for refugees; and
 - (c) funding of such other purposes relating to refugees as the Board may determine.
- (2) All applications for grants from the Refugee Fund for any purposes shall be submitted to the Board for its consideration and approval.

Section 20—Bank Account.

- (1) All monies received for the Fund shall be deposited in such bank accounts as may be authorised by the Accountant-General and shall be operated by the Board.
- (2) All payments from the bank account specified in subsection (1) of this section shall be made on the authority of the Board for the purposes specified in section 19 of this Law.

Section 21—Annual Report of the Board.

The Board shall submit to the Secretary, not later than three months after the end of each year, a report on its activities during that preceding year.

Section 22—Audit.

- (1) The books and account of the Board shall be audited each year by the Auditor-General or by an auditor appointed by the Auditor-General.
- (2) The Auditor-General or the auditor appointed by him shall submit his report on the audit done by him under this section to the Board within three months after the end of the year to which the report relates.

Section 23—Staff for the Board.

The Secretary shall provide the Board with the services of such staff as the Board may require for the performance of its functions.

Section 24—Offences Relating to False Information and Penalty.

Any refugee or person claiming to be a refugee who—

- (a) makes any false statement, return or representation to any authorised officer or other person lawfully performing his functions under this Law;
- (b) refuses to produce to an authorised officer or person any document or to furnish him with any information reasonably required of him for the purposes of this Law;
- (c) obstructs any person in the performance of his functions under this Law; or
- (d) alters any certificate or document issued or made under this Law,

commits an offence and is liable on conviction to a fine not exceeding €10,000.00 or to imprisonment for a term not exceeding one month or both.

Section 25—Regulations.

- (1) The Secretary may on the advice of the Board by legislative instrument make regulations for the effective implementation of the provisions of this Law.
- (2) Regulations made under subsection (1) may provide for—
 - (a) the procedure for the consideration of applications for grant of refugee status;
 - (b) method of appeal;
 - (c) the issue of identification and travel documents to refugees and their families; and
 - (d) forms to be used for application for grant of refugee status and for other purposes of this Law.

Section 26—Interpretation.

- (1) In this Law unless the context otherwise requires—

"authorised officer" means an immigration officer, a police officer or any public officer authorised by the Secretary to implement any provision of this Law;

"country of nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

"member of family" in relation to a refugee means—

- (a) any spouse of the refugee;
- (b) any unmarried child of the refugee under the age of eighteen years; or
- (c) any other person who is related to the refugee by blood or marriage and who by reason of old age, infirmity or minority is dependent upon the refugee.

"PNDC" means a the Provisional National Defence Council;

"refugee" means a person who—

(a) falls within the definition provided in —

- (i) Article 1 of the 1951 United Nations Convention set out in Part I of the Schedule to this Law; or
- (ii) Article 1 of the 1967 Protocol Relating to the Status of Refugee, set out in Part II of the Schedule to this Law; or
- (iii) Article 1 of the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa set out in Part III of the Schedule to this Law; or

(b) belongs to a class of persons declared by the PNDC as refugees.

(2) A person shall not be considered to be a refugee under this Law—

- (a) when there are serious reasons to believe that he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Ghana is a party and which has been drawn up to make provisions in respect of such crimes; or
- (b) if he has been guilty of acts contrary to the purposes and principles of the Organisation of African Unity.

"Secretary" means the PNDC Secretary responsible for the Interior.

Section 27—Modification of the Aliens Act.

The Aliens Act, 1963 (Act 160) shall apply with such modification as may be necessary to give full effect to this Law.

SCHEDULE

(Section 11 (a))

PART I

UN CONVENTION RELATING TO THE STATUS OF REFUGEES

Done at Geneva on 28 July 1951

Entry into force: 22 April 1954, in accordance with Article 43

Text: United Nations Treaty Series No. 2545, Vol. 189, p. 137

PREAMBLE

The High Contracting Parties

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement.

Considering that the grant 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,

Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

Have agreed as follows:—

Article 1

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 of non-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 this section;

(2) As a result of events occurring before 1 January 1951 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each 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. (1) For the purposes of this Convention, the words, "events occurring before 1 January 1951" in Article 1, Section A, shall be understood to mean either:

(a) "events occurring in Europe before 1 January 1951"; or

(b) "events occurring in Europe or elsewhere before 1 January 1951",

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative

(a) may at any time extend its obligations by adopting alternative

(b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if—

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

(2) Having lost his nationality, he has voluntarily re-acquired 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 connection 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 a refugee falling under section A (1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

- (6) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized 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 persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees 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 General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This 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.

F. The provisions of this 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 non-political crime outside the country of refuge 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.

Article 2

General Obligations.

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

Article 3

Non-Discrimination.

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4

Religion.

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 5

Rights Granted Apart from this Convention.

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

Article 6

The Term "In the Same Circumstances".

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature, a refugee is incapable of fulfilling.

Article 7

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. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.
5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8

Exemption from Exceptional Measures.

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. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this Article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9

Provisional Measures.

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that

that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10

Continuity of Residence.

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident 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, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence 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 11

Refugee Seamen.

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

CHAPTER II

JUDICIAL STATUS

Article 12

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 previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13

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 to aliens generally 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 14

Artistic Rights and Industrial Property.

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence 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 has his habitual residence.

Article 15

Rights of Association.

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

Article 16

Access to Courts.

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

CHAPTER III

GAINFUL EMPLOYMENT

Article 17

Wage-earning Employment.

1. The Contracting State shall accord the refugees lawfully staying 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. A refugee may not invoke the benefits of this provision if he has abandoned his spouse.
 - (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 with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18

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 to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19

Liberal Professions.

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas

recognised by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally 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 the territories, other than the metropolitan territory, for whose international relations they are responsible.

CHAPTER IV

WELFARE

Article 20

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 accorded the same treatment as nationals.

Article 21

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 staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22

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 treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23

Public Relief.

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

Article 24

Labour Legislation and Social Security.

1. The Contracting States shall accord to refugees lawfully staying 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 of 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, occupational diseases, 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:

- (i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - (ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or patrons 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 Contracting State.
 3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.
 4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

CHAPTER V

ADMINISTRATIVE MEASURES

Article 25

Administrative Assistance.

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded him by their own authorities or by an international authority.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.
3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent persons, 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 27 and 28.

Article 26

Freedom of Movement.

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

Article 27

Identity Papers.

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

Article 28

Travel Documents.

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory, they shall in particular give sympathetic consideration to the issue of such a travel document 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 recognised and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29

Fiscal Charges.

1. The Contracting States shall not impose upon refugees 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.

Article 30

Transfer of Assets.

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

Article 31

Refugees Unlawfully in the Country of Refuge.

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees, who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32

Expulsion.

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 a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person specially designated by the competent authority.
3. The Contracting States shall allow such a refugee 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 33

Prohibition of Expulsion or Return.

("refoulement")

1. No Contracting State shall expel or return ("refouler") 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, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of particularly serious crime, constitutes a danger to the community of that country.

Article 34

Naturalization.

The Contracting States shall as far as possible facilitate the assimilation 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.

CHAPTER VI

EXECUTORY AND TRANSITORY PROVISIONS

Article 35

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 this Convention.
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 this Convention, and
 - (c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Travel Document

Paragraph 1

1. The travel document referred to in Article 28 of this Convention shall be similar to the specimen annexed hereto.
2. The documents shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

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

Paragraph 5

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

Paragraph 6

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

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of Article 28 of this Convention.

Paragraph 8

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 a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.
2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

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

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of Article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue, if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with Article 28 of this Convention shall be re-admitted to its territory at any time during the period of its validity.
2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.
3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, 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

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

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

Specimen Travel Document

The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

<p>(Cover of booklet)</p> <p>TRAVEL DOCUMENT</p> <p>(Convention of 28 July 1951)</p>
<p style="text-align: right;">No.....</p> <p>(1)</p> <p>TRAVEL DOCUMENT</p> <p>(Convention of 28 July 1951)</p>

This document expires on.....
 unless its validity is extended or renewed.

Name.....

Forename(s).....

Accompanied by.....child (children)

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.
2. The holder is authorized to return to.....(state here the country whose authorities are issuing the document) on or before unless some later date is hereafter specified. (The period during which the holder is allowed to return must not be less than three months).
3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.]The sentence in brackets to be inserted by Governments which so desire.1

(This document containspages exclusive of cover).

(2)

Place and date of birth.....

Occupation.....

Present residence.....

Strike out whichever does not apply.*Maiden name and forename(s) of wife

Strike out whichever does not apply.*Name and forename(s) of husband.....

Description

Height.....

Hair.....

Colour of eyes.....

Nose.....

Shape of face.....

Complexion.....

Special peculiarities.....

Children accompanying holder

Name	Forename(s)	Place and date of Birth

Sex

.....

.....

.....

.....

(This document contains.....pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority
Finger-prints of holder (if required)

Signature of holder.....

(This document contains.....pages, exclusive of cover).

(4)

1. This document is valid for the following countries:

.....

.....

.....

.....

.....

2. Document or documents on the basis of which the present document is issued.

.....

.....

.....

.....

Issued at

Date

Signature and stamp of authority
issuing the document.

Fee paid:

(This document contains.....pages, exclusive of cover).

(5)

Extension or renewal of validity

Fee paid: From

.....

To

Done at Date

Signature and stamp of authority
extending or renewing the validity
of the document.

Extension or renewal of validity

Fee paid: From

To

Done at Date

Signature and stamp of authority
extending or renewing the validity
of the document.

(This document containspages, exclusive of cover).

(6)

Extension or renewal of validity

Fee paid: From

To

Done at Date

Signature and stamp of authority extending or renewing the validity of the document.

Extension or renewal of validity

Fee paid: From

To

Done at Date

Signature and stamp of authority
extending or renewing the validity
of the document.

(This document contains pages, exclusive of cover).

(7-32)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains.....pages, exclusive of cover).

PART II

(Section 11 (b))

UN PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 31 JANUARY 1967

Entry into force: 4th October 1967, in accordance with Article VIII

Text: United Nations Treaty Series No. 8791, Vol. 606, p. 267

The States Parties to the present Protocol

Considering that the Convention relating to the Status of Refugees done at Geneva on 28th 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 paragraph 3 of this Article, 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 1A(2) were omitted.
3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with Article 1B(1)(a) of the Convention, shall, unless extended under Article 1 B(2) thereof, apply also under the present Protocol.

Article II

Co-operation of the National Authorities with the United Nations.

1. The States Parties to the present Protocol 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 States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:—
 - (a) The condition of refugees;
 - (b) The implementation of the present Protocol;
 - (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article III

Information on National Legislation.

The States Parties to the present Protocol 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 States Parties to the present Protocol which relates to its interpretation or application and 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 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 may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VII

Reservations and Declarations.

1. At the time of accession, any State may make reservations in respect of Article 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, 3, 4, 16(1) and 33 thereof, 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 applicable in relation to their obligations under the present Protocol.
3. Any State making a reservation in accordance with paragraph 1 of this Article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.
4. Declarations made under Article 40, paragraphs, 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of Article 40, paragraphs 2 and 3, and of Article 44, paragraph 3, of the Convention shall be deemed to apply mutatis mutandis to the present Protocol.

Article IX

Denunciation.

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the State Party concerned one year from the date on 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 of the United Nations shall inform the States referred to in Article V above of the

date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

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.

APPENDIX

GENERAL ASSEMBLY RESOLUTION 2198 (XXI)

Protocol relating to the Status of Refugees

The General Assembly,

Considering that the Convention relating to the Status of Refugees, signed at Geneva on 28 July, 1951 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 date-line of 1 January 1951,

Taking note of the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (2) that the draft Protocol relating to the Status of Refugees should be submitted to the General Assembly after consideration by the Economic and Social Council, in order that the Secretary-General might be authorized to open the Protocol for accession by Governments within the shortest possible time,

Considering that the Economic and Social Council, in its resolution 1186 (XLI) of 18 November 1966, took note with approval of the draft Protocol contained in the addendum to the report of the United Nations High Commissioner for Refugees and concerning measures to extend the personal scope of the Convention (3) and transmitted the addendum to the General Assembly,

1. Takes note of the Protocol relating to the Status of Refugees, the text of which (3) is contained in the addendum to the report of the United Nations High Commissioner for Refugees;
2. Requests the Secretary-General to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol.

1495th plenary meeting, 16 December 1966.

PART III

(Section 11 (c))

OAU CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN AFRICA

Adopted by the Assembly of Heads of State and Government at its Sixth Ordinary Session (Addis Ababa, 10 September 1969)

Entry into Force: 20 June 1974, in accordance with Article XI

Text: United Nations Treaty Series No. 14691

PREAMBLE

We, the Heads of State and Government assembled in the city of Addis Ababa, from 6-10 September 1969,

1. Noting with concern the constantly increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering as well as providing them with a better life and future,
2. Recognizing the need for and essentially humanitarian approach towards solving the problems of refugees,
3. Aware, however, that refugee problems are a source of friction among many Member States, and desirous of eliminating the source of such discord,
4. Anxious to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside,
5. Determined that the activities of such subversive elements should be discouraged, in accordance with the Declaration on the Problem of Subversion and Resolution on the Problem of Refugees adopted at Accra in 1965,
6. Bearing in mind that the Charter of the United Nations and the Universal Declaration of Human Rights have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,
7. Recalling Resolution 2312 (XXII) of 14 December 1967 of the United Nations General Assembly, relating to the Declaration on Territorial Asylum,
8. Convinced that all the problems of our continent must be solved in the spirit of the Chapter of the Organization of African Unity and in the African context,
9. Recognizing that the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967, constitutes the basic and universal instrument relating to the status of refugees and reflects the deep concern of States for refugees and their desire to establish common standards for their treatment,
10. Recalling Resolutions 26 and 104 of the OAU Assemblies of Heads of State and Government, calling upon Member States of the Organization who had not already done so to accede to the United Nations Convention of 1951 and to the Protocol of 1967 relating to the Status of Refugees, and meanwhile to apply their provisions to refugees in Africa,
11. Convinced that the efficiency of the measures recommended by the present Convention to solve the problems of refugees in Africa necessitates close and continuous collaboration between the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees.

Have agreed as follows:—

Article I

Definition of the Term "Refugee".

1. For the purposes of this Convention the term "refugee" shall mean every person who, 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 as a result of such events is

- unable or owing to such fear, is unwilling to return to it.
2. The term "refugee" shall also apply to every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.
 3. In the case of a person who has several nationalities, the term "a country of which he is a national" shall mean each 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 which he is a national 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.
 4. This Convention shall cease to apply to any refugee if:
 - (a) he has voluntarily re-availed himself of the protection of the country of his nationality, or,
 - (b) having lost his nationality, he has voluntarily re-acquired it, or,
 - (c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality, or,
 - (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution, or,
 - (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or,
 - (f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee, or,
 - (g) he has seriously infringed the purposes and objectives of this Convention.
 5. The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has 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 provisions in respect of such crimes;
 - (b) he committed a serious non-political crime outside the country of refuge 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 Organization of African Unity;
 - (d) he has been guilty of acts contrary to the purposes and principles of the United Nations.
 6. For the purposes of this Convention, the Contracting State of Asylum shall determine whether an applicant is a refugee.

Article II

Asylum.

1. Member States of the O.A.U. shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.
2. The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.
3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or

expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article 7, paragraphs 1 and 2.

4. Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Members States and through the O.A.U., and such other Member States shall in the spirit of African solidarity and international co-operation take appropriate measures to lighten the burden of the Member State granting asylum.
5. Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his re-settlement in accordance with the preceding paragraph.
6. For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.

Article III

Prohibition of Subversive Activities.

1. Every refugee has duties to the country in which he finds himself which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the O.A.U.
2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the O.A.U., by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio.

Article IV

Non-Discrimination.

Member States undertake to apply the provisions of this Convention to all refugees without discrimination as to race, religion, nationality, membership of a particular social group or political opinions.

Article V

Voluntary Repatriation.

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.
2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.
3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.
4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the O.A.U., inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.
5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and international and inter-governmental organizations, to facilitate their return.

Article VI

Travel Documents.

1. Subject to Article III, Member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto, for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. Member States may issue such a travel document to any other refugee in their territory.
2. Where an African country of second asylum accepts a refugee from a country of first asylum, the country of first asylum may be dispensed from issuing a document with a return clause.
3. Travel documents issued to refugees under previous international agreements by States Parties thereto shall be recognised and treated by Member States in the same way as if they had been issued to refugees pursuant to this Article.

Article VII

Co-operation of the National Authorities with the Organisation of African Unity In order to enable the Administrative Secretary-General of the Organization of African Unity to make reports to the competent organs of the Organization of African Unity, Member States undertake to provide the Secretariat in the appropriate form with information and statistical data requested concerning:

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

Article VIII

Co-operation with the Office of the United Nations High Commissioner for Refugees.

1. Member States shall co-operate with the Office of the United Nations High Commissioner for Refugees.
2. The present Convention shall be the effective regional complement in Africa of the 1951 United Nations Convention on the Status of Refugees.

Article IX

Settlement of Disputes.

Any dispute between States signatories to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the Commission for Mediation Conciliation and Arbitration of the Organization of African Unity at the request of any one of the Parties to the dispute.

Article X

Signature and Ratification.

1. This Convention is open for signature and accession by all Member States of the Organization of African Unity and shall be ratified by signatory States in accordance with their respective constitutional processes. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
2. The original instrument, done if possible in African languages, and in English and French, all texts being equally authentic, shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
3. Any independent African State, Member of the Organization of African Unity, may at any time notify the Administrative Secretary-General of the Organization of African Unity of its accession to this Convention.

Article XI

Entry into Force.

This Convention shall come into force upon deposit of instruments of ratification by one-third of the Member States of the Organization of African Unity.

Article XII

Amendment.

This Convention may be amended or revised if any member State makes a written request to the Administrative Secretary-General to that effect, provided however that the proposed amendment shall not be submitted to the Assembly of Heads of State and Government for consideration until all Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two thirds of the Member States Parties to the present Convention.

Article XIII

Denunciation.

1. Any Member State Party to this Convention may denounce its provisions by a written notification to the Administrative Secretary-General.
2. At the end of one year from the date of such notification, if not withdrawn, the Convention shall cease to apply with respect to the denouncing State.

Article XIV

Upon entry into force of this Convention, the Administrative Secretary-General of the O.A.U. shall register it with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

Article XV

Notifications by the Administrative Secretary-General of the Organization of African Unity

The Administrative Secretary-General of the Organization of African Unity shall inform all Members of the Organization:

- (a) of signatures, ratifications and accessions in accordance with Article X;
- (b) of entry into force, in accordance with Article XI;
- (c) of requests for amendments submitted under the terms of Article XII;
- (d) of denunciations, in accordance with Article XIII.

Made this 30th day of December, 1992.

FOOTNOTES

1. The sentence in brackets to be inserted by Governments which so desire.

*Strike out whichever does not apply.

FLT.-LT. JERRY JOHN RAWLINGS

Chairman of the Provisional National Defence Council

Date of Gazette Notification: 27th August, 1993.