

Article 4

Unless otherwise decided by the Contracting Party concerned, a refugee seaman will cease to be regarded as lawfully staying in the territory of a Contracting Party when he, after the date upon which he, in accordance with Article 2 or 3 of this Agreement, last became entitled to be so regarded:

- (a) has established his residence in the territory of another State, or
- (b) within any period of six years following that date, has been serving a total of 1350 days on ships flying the flag of one other state, or
- (c) within any period of three years following that date, neither has served at least a total 30 days as a seafarer on ships flying the flag of that Contracting Party and calling at least twice a year at ports in its territory nor has stayed for at least a total of 10 days in the territory of that Party.

Article 5

For the purpose of improving that position of the greatest possible number of refugee seamen, a Contracting Party shall give sympathetic consideration to extending the benefits of this Agreement to refugee seamen who, according to its provisions, do not qualify for those benefits.

CHAPTER III

Article 6

A Contracting Party shall grant to a refugee seaman in possession of a travel document issued by another Contracting Party and valid for return to the territory of that Contracting Party the same treatment as regards admission to its territory in pursuance of a previous arrangement to serve on a ship, or for shore leave, as is granted to seafarers who are nationals of the last mentioned party, or at least treatment not less favourable than is granted to alien seafarers generally.

Article 7

A Contracting Party shall give sympathetic consideration to a request for temporary admission to its territory by a refugee seaman who holds a travel document valid for return to the territory of another Contracting Party with a view to facilitating his establishment in another State or for other good reason.

Article 8

A Contracting Party shall endeavour to ensure that any refugee seaman who serves under its flag and cannot obtain a valid travel document is provided with identity papers.

Article 9

No refugee seaman shall be forced, as far as it is in the power of the Contracting Parties, to stay on board a ship if his physical or mental health would thereby be seriously endangered.

Article 10

No refugee seaman shall be forced as far as it is in the power of the Contracting Parties, to stay on board a ship which is bound for a port, or is due to sail through waters, where he has well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Article 11

The Contracting Party in the territory of which a refugee seaman is lawfully staying or, in accordance with this Agreement, is for the purpose of Article 28 of the Convention regarded as lawfully staying, shall admit him to its territory if so requested by the Contracting Party in whose territory that seaman finds himself.

Article 12

Nothing in this Agreement shall be deemed to impair any rights or benefits granted by a Contracting Party to refugee seaman apart from this Agreement.

Article 13

1. A Contracting party may, for compelling reasons of national security or public order, consider itself released from the obligations incumbent on it under this Agreement with regard to a refugee seaman in question shall be allowed such period as may be reasonable in the circumstances to submit to the competent authority evidence to clear himself, except where there are reasonable grounds for regarding the refugee seaman in question as a danger to the security of the country where he is.

2. A decision made in accordance with paragraph 1 of this Article does not, however, release the Contracting Party in question from its obligations under Article 11 of this Agreement with respect to a refugee seaman to whom it has issued a travel document, unless the request for admission to its territory is presented to that Party by another Contracting Party more than 120 days after the expiration of that travel document.

CHAPTER IV

Article 14

Any dispute between the Contracting Parties relating to the interpretation or application of this Agreement, 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 15

This Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the Kingdom of the Netherlands.

Article 16

This Agreement shall come into force on the 90th day following the day of deposit of the eighth instrument of ratification.

Article 17

1. Any Government which undertakes obligations with respect to refugee seamen under Article 28 of the Convention or obligations corresponding thereto may accede to this Agreement.

2. Instruments of accession shall be deposited with the Government of the Kingdom of the Netherlands.

3. This Agreement shall come into force with respect to each acceding Government on the 90th day following the day upon which its instrument of accession was deposited but not before the date of entry into force as defined in Article 16.

Article 18

1. Any Government may, at the time of ratification or accession or at any time thereafter, declare that this Agreement shall extend to any territory or territories for the international relations of which it is responsible, provided that it has undertaken in relation thereto such obligations as are mentioned in paragraph (1) of Article 17.

2. Such extension shall be made by a notification addressed to the Government of the Kingdom of the Netherlands.

3. The extension shall take effect on the 90th day following the day upon which the notification was received by the Government of the Kingdom of the Netherlands, but not before the date of entry into force as defined in Article 15.

Article 19

1. A Contracting Party may denounce this Agreement at any time by a notification addressed to the Government of the Kingdom of the Netherlands.

2. The denunciation shall take effect one year from the date upon which the notification was received by the Government of the Kingdom of the Netherlands, provided that where the Agreement has been denounced by a Contracting Party, any other Contracting Party after consulting the remaining parties, may denounce the Agreement with effect from the same date, so however that not less than six months notice is given.

Article 20

1. A Contracting Party which has made a notification under Article 18 may, at any time thereafter, by a notification addressed to the Government of the Kingdom of the Netherlands, declare that the Agreement shall cease to apply to the territory or territories specified in the notification.

2. The Agreement shall cease to apply to the territory concerned one year from the date upon which the notification was received by the Government of the Kingdom of the Netherlands.

Article 21

The Government of the Kingdom of the Netherlands shall inform the Governments mentioned in the Preamble and all acceding Governments of deposits and notifications made in accordance with Articles 15, 17, 18, 19 and 20.

IN WITNESS WHEREOF, the undersigned, duly authorised to that effect, have signed this Agreement.

Done at The Hague, this twenty-third day of November 1957, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of the Netherlands, which shall transmit certified true copies thereof to the Governments mentioned in the Preamble and all acceding Governments.

V. DRAFT GENERAL PRINCIPLES
CONCERNING THE STATUS AND
TREATMENT OF REFUGEES.

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(Basis for Discussion)

Prepared by the Secretariat of the Committee

Article 1

Definition of a Refugee

1. A refugee is a person who owing to fear of being persecuted for reasons of race, religion, membership of a particular social group or of political belief is outside the country of his nationality or in the case of a stateless person, the country of his habitual residence, and is unable or owing to such fear is unwilling to return to that country or to avail himself of the protection of that State.

Explanation

1. A person who is reasonably suspected to have committed a common crime of a grave nature other than a political crime, or a crime against peace, a war crime or a crime against humanity in the country of his nationality or habitual residence on account of which he has taken refuge therefrom shall not be regarded as a refugee.

2. A person ceases to be a refugee if he voluntarily returns to his country of nationality and in the case of stateless person the country of his habitual residence or if he acquires the nationality of another State and is entitled to the protection of that State.

Article 2

Right of Asylum

1. A State has the undisputed right to grant asylum to a refugee in its territory for the exercise of which it is not answerable to any other State.

2. Although under the existing principle of international law a refugee has no corresponding right to such asylum, taking note of the practice of several States and the principles and purposes of the Declaration of Human Rights, States should endeavour subject to their laws, regulations and executive orders to grant asylum to such individuals or classes of refugees who are genuinely fleeing from persecution.

3. A State has the right to enquire as to whether conditions exist for treating a person as a refugee before granting him asylum, and the burden of proving that it is so is on the refugee.

4. Temporary asylum in the premises of diplomatic mission may be given only in exceptional circumstances and to persons in imminent danger of their lives.

Article 3

Right of Repatriation

1. A refugee shall have the right to be repatriated, if he so chooses, to the country whose nationality he possesses.

2. If such repatriation is denied, the State of his nationality shall compensate the refugee for loss suffered by him by reason of denial of repatriation.

3. No refugee shall, however, be forced either by the State of his nationality or the State of his residence to seek repatriation to his country of origin or the country of his permanent residence.

Article 4

Right of Indemnification

1. A refugee shall have the right to receive compensation from the State the territory of which he was forced to leave by reason of the circumstances mentioned in Article 1.

2. The compensation shall be payable for such loss as bodily injury, deprivation of personal liberty in denial of human rights, death of family members, and destruction of or material damage to property and assets caused by the authorities of the State, by public officials or through mob violence in the circumstances which would incur State responsibility for such treatment to aliens under international law.

3. The State which gives asylum to the refugee will be competent to espouse his cause and prefer claims on behalf of the refugee on the delinquent State even though it may be the State of nationality of the refugee.

Article 5

Personal and Property Rights

1. Refugees, who have been granted asylum in the territory of a State, shall enjoy therein such personal and property rights as are contained in Articles 7, 8 and 11 of the *Principles Concerning Admission and Treatment of Aliens* adopted by this Committee.

2. The State shall endeavour to accord to the refugee treatment in conformity with the principles contained in the U. N. Convention on Refugees 1951.

Article 6

Expulsion and Deportation

1. The State shall not normally order the expulsion of a refugee save in the case where the refugee violates the conditions of his asylum or acts contrary to the national interest of the State of residence.

2. A refugee shall not be deported to the country where his life or freedom would be threatened for his political, religious or moral belief.

VI. INTERIM REPORT OF THE
COMMITTEE ADOPTED AT ITS
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VI. INTERIM REPORT OF THE COMMITTEE ADOPTED AT ITS SEVENTH SESSION

The Government of the United Arab Republic by a reference made under Article 3 (b) of the Statutes requested this Committee to consider the subject of "The Rights of Refugees" in general and in particular the following issues :

1. Definition of refugees and their classifications.
2. The relation between the problem of refugees and the preservation of peace and justice in the world.
3. Principles guiding the solution of refugee problem :
 - (a) The right of asylum.
 - (b) The rights of repatriation and resettlement.
 - (c) The right of indemnification.
4. Rights of refugees in the country of residence :
 - (a) The right to life and liberty.
 - (b) The right to fair trial.
 - (c) The right to speech, conscience and religion.
 - (d) The right of employment.
 - (e) The right to social security.
 - (f) The right to education.
5. International assistance to refugees :
 - (a) Travel documents—Visas.
 - (b) Financial assistance.
 - (c) Technical assistance.
 - (d) International co-operation in the field of refugees : International agreements and International Agencies.

The subject was placed on the Agenda of the Sixth Session of the Committee for consideration. At that Session the Committee generally discussed the subject on the basis of a note prepared by the Secretariat and a Memorandum submitted by the Office of the United Nations High Commissioner for Refugees. The Committee had the benefit of the views expressed by the Deputy High Commissioner for Refugees who attended the Session. The Committee after a general discussion decided to direct the Secretariat to collect further material on the subject, particularly on the issues relating to compensation, the minimum standard of treatment of a refugee in the State of asylum and the constitution of international tribunals for determination of compensation that can be claimed by a refugee. The Secretariat, in accordance with the directions of the Committee, had prepared a revised note on the subject including certain Draft Articles on the Rights of Refugees to serve as a basis of discussion in the Committee. The Secretariat had also placed before the Committee considerable material on the subject, including the text of the Agreement of 28th July, 1951 relating to the Status of Refugees.

The Committee gave detailed consideration to this subject at its meetings held on 23rd, 24th, 25th, 27th and 28th March, 1965. The Committee had the benefit at this Session also of the Deputy High Commissioner for Refugees in consideration of the subject. The Committee decided at this Session to formulate certain general principles on the rights a refugee should have, and the principles adopted on this subject are set out in the form of articles in *Annexure I* to this Report.

The Committee decided to postpone consideration of the question as to whether any provision should be made for ensuring the implementation of the right to return and the right to compensation which have been provided for in the Articles on the Rights of Refugees.

The Committee could not, for lack of time, give detailed consideration to the provisions of the United Nations Refugee

Convention of 1951, and accordingly it decided to postpone its recommendation on the question as to whether a State should endeavour to afford to the refugee treatment in conformity with the principles contained in that Convention.

The Committee was also not in a position to consider a proposal made by the Delegation of India to incorporate a provision in the Articles relating to the Rights of Refugees. The text of the Draft Article suggested by the Delegation of India was in the following terms :

A refugee shall lose his status as a refugee if he does not return to the State of which he is a national, or, if he has no nationality, to the State of which he was a habitual resident, or to avail himself of the protection of such State even after the circumstances in which he became a refugee ceased to exist.

The Committee, having regard to the urgency of the problem, decided to draw up this Interim Report and to submit the same to the governments with a view that their comments and observations may be available before the next Session of the Committee when it proposes to give further consideration to this subject.

The Committee records its deep appreciation of the assistance rendered to the Committee by the Deputy High Commissioner for Refugees in the study of this subject.

Sd/—
(SHAKIR AL—ANI)
President
1.4.1965.