

18. The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations.

19. The Office of the High Commissioner shall be located in Geneva, Switzerland.

20. The Office of the High Commissioner shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure, other than administrative expenditures relating to the functioning of the Office of the High Commissioner, shall be borne on the budget of the United Nations, and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

21. The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General.

22. Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors, provided that the Board may accept audited accounts from the agencies to which funds have been allocated. Administrative arrangements for the custody of such funds and their allocation shall be agreed between the High Commissioner and the Secretary-General in accordance with the Financial Regulations of the United Nations and rules promulgated thereunder by the Secretary-General.

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*In accordance with the terms of the above Statute, the General Assembly at its 325th plenary meeting on 14 December 1950, on the nomination of the Secretary-General, elected by secret ballot Mr. G. J. van Heuven Goedhart (Netherlands) to the office of United Nations High Commissioner for Refugees.*

#### 429 (V). Draft Convention relating to the Status of Refugees

*The General Assembly,*

*Considering that, by its resolution 362 (IV) of 22 October 1949, it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by conferences in which all Members of the United Nations had not been invited to take part,*

*Considering the desirability of enabling the governments of States not Members of the United Nations to participate in the final stages of the drafting of the Convention<sup>18</sup> relating to the Status of Refugees, as prepared by the Ad Hoc Committee on Refugees and Stateless Persons and the Economic and Social Council,*

1. *Decides* to convene in Geneva a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol<sup>19</sup> relating to the Status of Stateless Persons;

2. *Recommends* to governments participating in the conference to take into consideration the draft Conven-

tion submitted by the Economic and Social Council and, in particular, the text of the definition of the term "refugee" as set forth in the annex hereto;

3. *Requests* the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity;

4. *Instructs* the Secretary-General to invite the governments of all States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries;

5. *Calls upon* the United Nations High Commissioner for Refugees, in accordance with the provisions of the Statute of his Office, to participate in the work of the Conference.

*325th plenary meeting,  
14 December 1950.*

#### ANNEX

#### *Draft Convention relating to the Status of Refugees<sup>a</sup>*

##### *Chapter I*

##### ARTICLE 1

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

(1) Since 1 August 1914 has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

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

(2) As a result of events occurring before 1 January 1951, and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

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

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

(1) He has voluntarily 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

<sup>18</sup> See documents E/1850-E/AC.32/8 and E/1850-E/AC.32/8/Annex.

<sup>19</sup> See document E/1850-E/AC.32/8.

<sup>a</sup> Text of chapter I, article 1, as amended by the General Assembly at its 325th plenary meeting.

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

(6) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country.

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

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

E. The provisions of the present Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in article VI of the London Charter of the International Military Tribunal; or (b) he falls under the provisions of article 14, paragraph 2, of the Universal Declaration<sup>b</sup> of Human Rights.

F. The Contracting States may agree to add to the definition of the term "refugee" contained in the present

article persons in other categories, including such as may be recommended by the General Assembly.

#### 430 (V). Problems of assistance to refugees

*The General Assembly,*

*Having taken cognizance of the communication<sup>20</sup> addressed to it by the General Council of the International Refugee Organization on 13 October 1950 in amplification of its memorandum of 20 October 1949 addressed to the fourth session of the General Assembly,*

*Having noted that the General Council of the International Refugee Organization has decided to continue operations until 30 September 1951,*

1. *Decides* to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to assist the International Refugee Organization in its efforts to resettle refugees remaining under its care and particularly those in need of permanent custodial care;

2. *Decides*, in the absence of definite data, to postpone until its sixth session the examination of the problem of assistance raised by the above-mentioned communications, in the light of a further communication on the subject which the International Refugee Organization is invited to submit and of the observations which the High Commissioner will make in his report to the sixth session of the General Assembly.

*325th plenary meeting,  
14 December 1950.*

<sup>20</sup> See *Official Records of the General Assembly, Fifth Session, Third Committee, Annexes*, Agenda item 32, document A/C.3/540.

<sup>b</sup> See resolution 217 A (III).