

# NATIONAL COMMISSION FOR REFUGEES, ETC. ACT

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.

## SCHEDULE

[Article 28.]

### *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 obtained 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 fee charged for issue of the document shall not exceed the lowest scale of charges for national passport.

#### *Paragraph 4*

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

#### *Paragraph 5*

The document 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 authorised 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.

### SECOND SCHEDULE

[Section 15 (b).]

*Protocol relating to the status of refugees of 31 January, 1967*

*Entry into force: 4 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 28 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 herein after defined.
2. For the purposes of the present Protocol, the term “**refugees**” shall, except as regards the applications 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 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 1B (2) thereof, apply also under the present Protocol.

## ARTICLE II

### *Co-operation of the 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 dispute*

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 anyone 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 specialised 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 VI

### *Federal clause*

In the case of a Federal or non-unitary State, the following provisions shall apply-

(a) with respect to those articles of the Convention to be applied in accordance with Article I, paragraph 1, of the present Protocol that come within the legis-

lative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which

are not Federal States;

(b) with respect to those articles of the Convention to be applied in accordance with Article I, paragraph I, of the present Protocol that come within the legislative

jurisdiction of constituent system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable

recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) a Federal State Party to the present Protocol shall, at the request of any other State Party hereto, transmitted through the Secretary-General of the United

Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied

in accordance with Article 1, paragraph I of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

## 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 I, 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 I 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 I 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. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. Such denunciation shall take effect for the State Party concerned one year from the date of 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 State 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 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 2/98 (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, 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 authorised to open the Protocol for accession by Governments within the shortest possible time.

Considering that the Economic and Social Council, in its resolution 1186 (XII) 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 and transmitted the addendum to the General Assembly.

1. Takes note of the Protocol relating to the Status of Refugees, the text of which 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.

### THIRD SCHEDULE

[Section 16 (c).]

*Organisation of African Unity Convention governing the specific aspects of refugee problems in Africa*

*Adopted by the Assembly of Heads of State and Government at its ordinary session (Addis Ababa, 10 September, /969)*

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

*Text: United Nations Treaty Series No. 1469/*

*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.** Recognising 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 subversion from outside.

**5.** Determined that the activities of such subversion 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 2313 (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 Charter of the Organisation of African Unity and in the African context.

**9.** Recognising 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 desires to establish common standard for their treatment.

**10.** Recalling Resolutions 26 and 104 of the Organisation of African Unity Assemblies of Heads of States and Government, calling upon Member States of the Organisation 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 measure recommended by the present Convention to solve the problem of refugees in African necessitates close and continuous collaboration between the Organisation 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, 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 reacquired it; or



(c) he has acquired 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 recognised 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 reason 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 Organisation 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 Organisation of African Unity 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 I, 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 Member States and through the Organisation of African Unity, 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 resettlement 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 Organisation of African Unity.
2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any Member of the Organisation of African Unity, by any activity 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 country of origin, shall make adequate arrangement 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 Organisation of African Unity, 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 organisations, 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 Organisation of African Unity to make reports to the competent organs of the Organisation 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 any 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 Organisation of African Unity, at the request of anyone 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 Organisation 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 Organisation 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 Organisation of African Unity.
3. Any independent African State, Member of the Organisation of African Unity, may at any time notify the Administrative Secretary-General of the Organisation 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 Organisation of African Unity.

## ARTICLE XII

### *Amendment*

1. 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 Members 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 Members State 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

### *Registration*

Upon entry into force of this Convention, the Administrative Secretary-General of the Organisation of African Unity 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 Organisation of African Unity*

The Administrative Secretary-General of the Organisation of African Unity shall inform all members of the Organisation-

(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.

IN WITNESS WHEREOF WE, the Heads of African State and Government, have signed this Convention.

1.	Algeria
2.	Botswana
3.	Burundi
4.	Cameroon
5.	Central African Republic
6.	Chad
7.	Congo (Brazzaville)
8.	Congo (Kinshasa)
9.	Dahomey
10.	Equatorial Guinea
11.	Ethiopia
12.	Gabon
13.	Gambia
14.	Ghana
15.	Guinea
16.	Cote D'Ivoire
17.	Kenya
18.	Lesotho
19.	Liberia
20.	Libya

21.	Madagascar	
22.	Malawi	
23.	Mali	
24.	Mauritania	
25.	Mauritius	
26.	Morocco	
27.	Niger	
28.	Nigeria	
29.	Rwanda	
30.	Senegal	
31.	Sierra Leone	
32.	Somalia	
33.	Sudan	
34.	Swaziland	
35		Togo
36		Tunisia
37		Uganda
38		United Arab Republic
39		United Republic of Tanzania
40		Burkina Faso
41		Zambia

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*