

United Nations Conference on Consular Relations

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Memorandum from the United Nations High Commissioner for Refugees

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Memorandum from the United Nations High Commissioner for Refugees

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[4 March 1963]

The United Nations High Commissioner for Refugees has the honour to bring to the attention of Governments participating in the International Conference of Plenipotentiaries on Consular Relations the following provisions of the Statute of the Office of the United Nations High Commissioner for Refugees, for consideration in connexion with Articles 5 (a) and 36 of the Draft Articles on Consular Relations, dealing with consular functions relating to the protection of nationals of the sending State in the receiving State.

According to Article 1 of the Statute of the Office of the United Nations High Commissioner for Refugees (General Assembly Resolution 428 (V) of 14 December 1950) "the United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and ...". The persons to whom the High Commissioner's competence extends according to the Statute are defined in Articles 6 and 7 *inter alia* as follows :

...
Article 6 A (ii). "Any person who, 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. ..."

Article 6 B. "Any other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality. ..."

Several international agreements provide for a special status of refugees. Of these the Convention relating to the Status of Refugees of 28 July 1951, to which at present thirty-seven States are parties, is the most important. For the purposes of the Convention, the term "refugee" is defined in Article 1 in a similar manner as in the Statute of the Office of the United Nations High Commissioner for Refugees. According to Article 35 of the Convention, 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". These functions include, by virtue of the Statute of the Office, the international protection of refugees.
