

**Unofficial Translation**

**Updating**  
**Of**  
**THE 1994 ARAB CONVENTION ON REGULARIZING THE**  
**SITUATION OF REFUGEES IN THE ARAB STATES**

(SUGGESTED DRAFT)

The Member States to the League of Arab States:

- Inspired by their cultural heritage and religious beliefs, and by the grounds that extend from the roots of the Arab and Islamic history which make the human being of great value and a high goal that various regimes and legislations are collaborating to ensure his happiness and protect his freedoms and rights;
- Proceeding from the fact that they are a nation that have synchronized with the different stages of the human history and always have a special role to play in guiding and influencing events and be influenced by;
- Recalling the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, 1951 Convention and its 1967 Protocol relating to the Refugee Status, Cairo Declaration on the Protection of Refugees and Displaced in the Arab World, 1992 and the Arab Charter for Human Rights, 1994;
- Affirming the importance of accession to international refugee instruments and conventions, in particular 1951 Convention relating to the Status of Refugees and its Supplementary Protocol 1967;
- Aware of the dangers resulting in the growing phenomenon of asylum in the Arab region because of the occupation and armed conflicts in recent years, and the urgent need to adopt an Arab convention to address this phenomenon and its implications;
- Recognizing the inalienable right of Palestinian refugees to return and get compensation in accordance to the United Nations General Assembly

resolution No. 194, 1948 and other relevant resolutions of international legality;

- In application to paragraph 5 of the Transitional Arab Parliament Declaration issued by the Seminar on Asylum, Displacement and Migration (Sharm El-Sheikh, October 2008) which calls for updating the draft of Arab Convention, 1994 for the regularizing of refugee situations in the Arab countries;

- and confirming the established principles and the bonds of brotherhood, solidarity and Arab interdependence;

Have agreed as follows:

#### Article (1) : Refugee definition

According to this Convention, a refugee is:

(a) any 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 or his former habitual residence if he/she is a stateless, and is unable or unwilling to avail him/herself of the protection of that country or to return to it.

(b) any person who, owing to external aggression, occupation or foreign domination, natural catastrophes, or serious events disturbing public order in either the whole or part of the country, is compelled to leave his/her own country or the country of his/her habitual residence to seek refuge in another country.

#### Article (2) : Exclusion clauses

This Convention shall not apply to any person if:

(a) he/she has committed a war crime, a crime against humanity, or a terrorist crime, as drawn up in the international conventions and instruments.

(b) he/she has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee, and no final verdict to acquit him/her has been issued yet.

### Article (3) : Cessation clauses

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) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- c) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- d) Having lost his nationality, he has voluntarily reacquired it; or
- e) 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;
- f) 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;

### Article (4) : Treatment of a refugee

States Parties to this Convention shall use their best endeavors to secure that treatment of refugees is at least not inferior to treatment of aliens residing in its territory.

### Article (5) : The humanitarian nature to grant asylum

The grant of asylum is a peaceful and humanitarian act and should not be regarded as a hostile act by any State Party.

### Article (6) : Non-discrimination

States Parties to this Convention undertake not to discriminate between refugees on grounds of ethnicity, religion, race, country of origin, political opinion or social membership.

#### Article (7) : Illegal entry

States Parties to this Convention undertake not to impose penal sanctions, for their illegal entry or staying, on refugees who enter to or stay in their territories without permit, provided that they present themselves to authorities without delay and demonstrate the relevance of the reasons for their illegal entry or stay.

#### Article (8) : Expulsion

(a) Refugee residing lawfully in the territory of a State Party to this Convention shall not be expelled unless for reasons of national security or public order. Refugee may appeal before the competent judicial authority against the expulsion decision and, in such case, the State is committed to grant the refugee a reasonable period of time during which he/she seeks to enter legally to another country; during this period, the State shall reserve the right to apply any internal measures that are deemed to be necessary.

(b) the State Party shall permit the refugee to remain temporarily in its territory should his/her expulsion was putting his/her life or freedom in danger.

#### Article (9) : Prohibition of forced *refoulement*

(a) States Parties undertake not to return any refugee, in any manner whatsoever, to his/her country of origin or any other place where his/her life or freedom would be threatened for reasons of his/her ethnicity, religion, nationality, membership to a particular social group or political opinion.

(b) 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 a particularly serious crime, constitutes a danger to the community of that country

#### Article (10) : Voluntary character of return

Subject to the provisions of Article (3) of this Convention, the desire to return to the country of origin must be respected in all cases, no refugee should be

forcibly deported to his/her country. Asylum country shall coordinate with the country of origin for setting up appropriate arrangements, with the collaboration of UNHCR, in order to achieve the voluntary repatriation of the concerned refugees safely.

#### Article (11) : Personal documents

States Parties shall issue to refugees lawfully staying in their territories with IDs and travel documents in accordance with the United Nations Convention and its Annexes relating to the Status of Refugees, for the purpose of travel outside these territories and return to, unless compelling reasons of national security or public order otherwise require.

#### Article (12) : Obligations of refugees

Refugee has duties to the country in which he stays, which require:

- a) to respect the laws and regulations of the host country and to conform to.
- b) to abstain from any terrorist or subversive activity against any country, including his country of origin.

#### Article (13) : Participating in burden-sharing

If any of the States Parties faced difficulties to grant or to continue to grant asylum under this Convention, because of sudden or mass influx or due to any other compelling reasons, States Parties shall undertake to:

- (a) at the request of the host country, adopt appropriate measures, whether individually or collectively, to alleviate the burden its burden, and to seek provision of international support with the cooperation of UNHCR under the principle of international burden-sharing.
- (b) to encourage individuals and non-governmental institutions to support programs of assisting refugees in the Arab countries, in order to enable host countries to provide the necessary protection and care to refugees in its territory.
- (c) within the framework of international arena and relevant international organizations, will hold the states responsible for refugee displacement

the legal and economic consequences for sharing the burden put on hosting countries.

#### Article (14) : Durable solutions

States Parties undertake to intensify cooperation among themselves in order to provide durable solutions for refugees, that are voluntary repatriation, local integration or resettlement, without prejudice to the principle of the right of return for Palestinian refugees as provided for in the resolution of the United Nations General Assembly No. 149, 1948 and other relevant international resolutions.

#### Article (15) : National asylum legislations

States Parties shall seek to adopt national laws on asylum and to establish national technical mechanisms to determine the refugee status in accordance with international standards and principles contained in this Convention and in other relevant international conventions.

#### Article (16) : Role of the League of Arab States

States Parties shall deposit with the General Secretariat of the League of Arab States their measures regarding the signature and ratification of this Convention, the regular national reports regarding asylum status and the national legislations governing them, and the programs and projects to address them.

#### Article (17) : Interpretation of the Convention clauses

In the case of a dispute over the interpretation of any provision of the Convention, States Parties shall have recourse to resolve this dispute through negotiation, conciliation or arbitration. If the dispute cannot be settled by these means, it shall be submitted to the Council of the League of Arab States to be settled in accordance with the provisions of the Charter of the League.

#### Article (18) : Cooperation with UNHCR

States Parties undertake to pledge closer ties with UNHCR as it holds the international mandate to protect and care for refugees and seek durable solutions to their problems.

#### Article (19) : Special status of the Palestinian refugees

Nothing in the provisions of this Convention might prejudice the inalienable right of Palestinian refugees to return and get compensation in accordance to the United Nations General Assembly resolution No. 194, 1948 and other relevant resolutions of international legality. Also, the application of the provisions of this Convention shall not affect any additional benefits or temporary special treatment enjoyed by Palestinian refugees in any Arab State Party in accordance with its legal legislation force.

#### Article (20) : Ratification measures

This Convention shall be ratified by signatory States in accordance with their respective constitutional regimes. The instruments of ratification shall be deposited with the Secretariat of the League of Arab States. Non-signatory Arab States shall accede to this Convention by sending a notification to the Secretary- General of the League of Arab States who shall inform the States Parties of this accession. This Convention shall come into force on the thirtieth day following the day of deposit of the instruments of ratification or accession by the third of States Parties of the League of Arab States with the Secretariat General.

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**Meeting of the Arab Parliamentarians, the Governmental Experts of the Asylum and Migration and International Experts for Updating the Arab Convention for Refugees of 1994.**

Tunis, 12 July 2009