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Addendum to
Definition of a "Refugee"
under paragraph 11 of the General Assembly Resolution
of 11 December 1948

(prepared by the Legal Adviser)

During the meeting at which the definition of a "refugee" was discussed, the members of the Commission expressed a desire for certain points relating to that definition to be clarified. In this connection, the question was raised of the application of the ethnical criterion on which the definition of a Palestine refugee was based, and of the protection of the interests of a category of people who would not be considered as refugees in the event of that criterion being accepted.

In connection with the first point, it is widely known that the overwhelming majority of those who took refuge in the Arab countries are of Arab origin and possessed Palestinian citizenship on 29 November 1947. In practice, therefore, the question is to determine the status of a small non-Arab minority which in the 1931 census was placed in the category of "Others", as opposed to the category of "Arabs", in which all Arabs belonging to the Palestine Arab community, or who considered themselves as belonging to that community, were placed.

This minority can be divided into two distinct categories:

1. Those who have retained their Palestinian citizenship.
2. Those who acquired another nationality after 29 November 1947, either by resuming their former nationality or by becoming naturalized citizens of a country in which they have racial ties with the majority of the population.

These two categories of persons have one thing in common, that is, that they were not included in the Palestine Arab community as a result of the statements which they made to the census officials in the 1931 census, thus showing that they

possessed a national consciousness other than an Arab national consciousness. This national consciousness, on which the determination of ethnical origin is based, might have been Greek, Turkish, Armenian or other. Furthermore, a manifestation of this national consciousness has been the resumption of previous nationality, or the acquisition of a new nationality by reason of racial ties with the majority of the population of another country. Those who have been able to change their personal status in this way have become foreigners from the point of view of the State of Israel and must be considered as such by that State and therefore be treated there as foreigners according to the principles of international law.

As regards those who have not acquired, or who have not been able to acquire, a foreign nationality or whose foreign nationality thus acquired is questioned by the Israel authorities, they would continue to belong to minorities in Israel, minorities for whom certain fundamental rights have been recognized by the General Assembly. In particular, they would enjoy the right to return and to dispose freely of their property, as belonging to a non-Arab minority in Israel. The property which they might possess in Israel could not be disposed of, as in the case of the property of Arab refugees who do not wish to return to their homes.

The foregoing considerations would appear to take into account the concern expressed by the members of the Commission regarding the protection of the interests of a small minority of non-Arab Palestinians. The rights of these persons will be guaranteed respectively by the principles of international law and by the relevant provisions of the appropriate General Assembly resolutions.

However, with a view to expanding the ethnical criterion on which the suggested definition is based, a text interpreting the term "of Arab origin" might be considered useful. It would enable non-Arabs who have not acquired a foreign nationality to express an Arab national consciousness and thus to be included in the definition of refugees, in the event, however, of the parties concerned being prepared to accept the consequences of such an expression of

their wishes.

This Article might be drafted as follows:

The term "of Arab origin" appearing in the foregoing Articles relates to persons belonging to the Palestine Arab community and to those who are considered or who consider themselves as belonging to that community.

In the light of the foregoing considerations, the amended definition of a refugee might read as follows :

Article 1

Are to be considered as refugees under paragraph 11 of the General Assembly resolution of 11 December 1948 persons of Arab origin who, after 29 November 1947, left territory at present under the control of the Israel authorities and who were Palestinian citizens at that date.

Are also to be considered as refugees under the said paragraph stateless persons of Arab origin who after 29 November 1947 left the aforementioned territory, where they had been settled up to that date.

Persons who have resumed their original nationality or who have acquired the nationality of a country in which they have racial ties with the majority of the population are not covered by the provisions of the above paragraphs of this Article. It is understood that the majority of the said population should not be an Arab majority.

Article 2

The following shall be considered as covered by the provisions of Article 1 above :

1. Persons of Arab origin who left the said territory after 6 August 1947 and before 29 November 1947 and who at that latter date were Palestinian citizens;
2. Persons of Arab origin who left the territory in question before 6 August 1947 and who, having opted for Palestinian citizenship, retained that citizenship up to 29 November 1947.

Article 3

The term "of Arab origin" appearing in the foregoing Articles relates to persons belonging to the Palestine Arab community and to those who are considered or who consider themselves as belonging to that community.
