

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 27/98

de 14 de Julho

Nos termos e para os efeitos previstos no artigo 3.º, n.ºs 2 e 3, e nos artigos 69.º e 70.º do Estatuto Orgânico de Macau, decreto a extensão ao território de Macau do Protocolo Adicional à Convenção Relativa ao Estatuto dos Refugiados, aprovada pelo Decreto do Governo n.º 207/75, cujo texto foi publicado no *Diário da República*, 1.ª série, n.º 90, de 17 de Abril de 1975, nos mesmos termos em que a República Portuguesa a ela se encontra internacionalmente vinculada.

Para publicação no *Boletim Oficial* de Macau, em conjunto com os referidos decreto de aprovação e texto da Convenção.

Assinado em 2 de Julho de 1998.

Publique-se.

O Presidente da República, JORGE SAMPAIO.

(D.R. n.º 160, I Série-A, de 14 de Julho de 1998)

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS

Decreto n.º 207/75

de 17 de Abril

Usando da faculdade conferida pelo artigo 16.º, n.º 1, 3.º, da Lei Constitucional n.º 3/74, de 14 de Maio, o Governo decreta o seguinte:

Artigo único. É aprovado, para adesão, o Protocolo de Nova Iorque, de 31 de Janeiro de 1967, adicional à Convenção Relativa ao Estatuto dos Refugiados, concluída em Genebra em 29 de Julho de 1951, cujos textos, em inglês e na respectiva tradução em português, vão anexos ao presente decreto.

Visto e aprovado em Conselho de Ministros. — *Vasco dos Santos Gonçalves* — *Mário Soares*.

Assinado em 1 de Abril de 1975.

Publique-se.

O Presidente da República, FRANCISCO DA COSTA GOMES.

(D.R. n.º 90, I Série, de 17 de Abril de 1975)

ANEXO

Protocol relating to the status of refugees

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

共和國總統府

共和國總統令 第27/98號

七月十四日

根據《澳門組織章程》第三條第二款及第三款、第六十九條及第七十條之規定，並為該等條文所定之效力，本人命令將《難民地位議定書》延伸至澳門地區，按照葡萄牙共和國在國際上受該公約約束之相同規定適用；該公約係經第207/75號政府命令通過，且文本已公布於一九七五年四月十七日第九十期《共和國公報》第一組。

將本總統令連同上述通過公約之命令及公約之文本公布於《澳門政府公報》。

一九九八年七月二日簽署。

命令公布。

共和國總統 沈拜興

(一九九八年七月十四日第160期《共和國公報》第一組—A)

外交部

命令 第207/75號

四月十七日

政府行使五月十四日第3/74號憲法性法律第十六條第一款第三段所賦予之權能，命令制定如下：

獨一條——通過於一九五一年七月二十九日在日內瓦訂立之《關於難民地位公約》之一九六七年一月三十一日之紐約議定書以加入該議定書；該議定書之英文文本及葡文譯本附於本命令。

於部長會議內檢閱及通過——江沙維斯——蘇亞雷斯。

一九七五年四月一日簽署。

命令公布。

共和國總統 高美士

(一九七五年四月十七日第90期《共和國公報》第一組)

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 hereinafter defined.

2. For the purpose of the present Protocol, the term «refugee» shall, except as regards the application 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 ...» and the words «... as a result of such events», in article 1-A (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 1-B (1) (a) of the Convention, shall, unless extended under article 1-B (2) thereof, apply also under the present Protocol.

ARTICLE II

Co-operation of the national 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 or 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 disputes

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 any one 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 specialized 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 legislative 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 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional 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 I, paragraph 1, 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 1, 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 1 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 1 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 VIII

Entry into force

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

ARTICLE IX

Denunciation

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on 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 States 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 by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. 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.

ANEXO

Protocolo de Nova Iorque, de 31 de Janeiro de 1967, adicional à Convenção Relativa ao Estatuto dos Refugiados, concluída em Genebra em 28 de Julho de 1951.

Os Estados Partes no presente Protocolo,

Considerando que a Convenção relativa ao Estatuto dos Refugiados, concluída em Genebra em 28 de Julho de 1951 (daqui em diante referida como a Convenção), só cobre aquelas pessoas que se tornaram refugiados em resultado de acontecimentos ocorridos antes de 1 de Janeiro de 1951,

Considerando que, desde que a Convenção foi adoptada, surgiram novas situações de refugiados e que os refugiados em causa poderão não cair no âmbito da Convenção,

Considerando que é desejável que todos os refugiados abrangidos na definição da Convenção, independentemente do prazo de 1 de Janeiro de 1951, possam gozar de igual estatuto,

concordaram no seguinte:

ARTIGO I

Disposições gerais

1. Os Estados Partes no presente Protocolo obrigam-se a aplicar os artigos 2 a 34, inclusive, da Convenção aos refugiados tal como a seguir definidos.

2. Para os efeitos do presente Protocolo, o termo «refugiado» deverá, excepto em relação à aplicação do parágrafo 3 deste artigo, significar qualquer pessoa que caiba na definição do artigo 1, como se fossem omitidas as palavras «como resultado de acontecimentos ocorridos antes de 1 de Janeiro de 1951 e...» e as palavras «... como resultado de tais acontecimentos», no artigo 1-A (2).

3. O presente Protocolo será aplicado pelos Estados Partes sem qualquer limitação geográfica, com a excepção de que as declarações existentes feitas por Estados já partes da Convenção de acordo com o artigo 1-B (1) (a) da Convenção deverão, salvo se alargadas nos termos do artigo 1-B (2) da mesma, ser aplicadas também sob o presente Protocolo.

ARTIGO II

Cooperação das autoridades nacionais com as Nações Unidas

1. Os Estados Partes no presente Protocolo obrigam-se a cooperar com o Alto-Comissário das Nações Unidas para os Refugiados, ou com qualquer outra agência das Nações Unidas que lhe possa vir a suceder no exercício das suas funções, e deverão, em especial, facilitar o desempenho do seu dever de vigilância da aplicação das disposições do presente Protocolo.

2. Com vista a habilitar o Alto-Comissário, ou qualquer outra agência das Nações Unidas que lhe possa vir a suceder, a fazer relatórios para os órgãos competentes das Nações Unidas, os Estados Partes no presente Protocolo obrigam-se a fornecer-lhes as informações e dados estatísticos requeridos, na forma apropriada e relativos: