

SG1-WP1  
027

**EUROPEAN UNION  
THE COUNCIL**

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(OR. d)**

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**RESTREINT**

**ASIM 163**

**NOTE**

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from: German Presidency

to : Asylum Group

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No. prev. doc.: 6675/1/94 ASIM 90 REV 1, 6501/94, 6504/94 ASIM 81

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Subject: Guidelines for the harmonized application of the definition of refugee status in  
Article 1 A of the Geneva Convention

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Delegations will find attached a note from the German delegation on point 13 of ASIM 90  
REV 1: "Civil war and other internal armed conflicts."

**Proposal by the German delegation concerning ASIM 90 REV 1, point 13:**

**"Civil war and other internal armed conflicts"**

**Reference to a civil war and the dangers which it entails is not in itself sufficient to warrant recognition of refugee status.**

**In a civil war, persecution may stem either from the State or from third parties encouraged or tolerated by it, or from de facto authorities in control of part of the territory in which they have superseded the State.**

**Fear of persecution must in all cases be based on one of the grounds in the Geneva Convention and be individual in nature.**

**As a rule, this is not the case where the State has lost its control over certain areas of its territory and where its actions in an open civil war or in certain guerrilla civil war situations are de facto of an exclusively military nature.**

**However, fear of persecution is justified in those cases where the forces of the State, for one of the reasons mentioned in the Geneva Convention, pursue an armed conflict in a way which aims at the physical destruction of opponents or those classified as opponents although they do not intend to, or cannot, put up any further resistance, or do not, or no longer, participate in the military action concerned. This applies all the more if the action of the forces of the State turns into the calculated physical destruction or annihilation of the ethnic, cultural or religious identity of such a part of the population.**

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