

WHY ACCEDE TO THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES AND ITS 1967 PROTOCOL

Accession acknowledges the universality of international refugee law and strengthens international protection

Strong legal frameworks and asylum systems are central to provide international protection to those seeking safety from conflict or persecution. The 1951 Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol are essential global legal instruments explicitly addressing refugee protection and provide a solid foundation for international protection. The 1951 Convention and its 1967 Protocol seek to ensure that refugees can exercise their core rights in dignity and free from discrimination.

Accession helps to avoid friction between States – recognizing that granting asylum is a non-political, humanitarian and legal act, rather than a hostile gesture, and should be understood as such by the country of origin.

As of 2023, 149 States are party to the 1951 Convention and/or its 1967 Protocol. However, when compared to the almost universal accession to the Convention on the Rights of the Child and the 1949 Geneva Conventions, with each 196 State Parties, more commitment by States to comply with international legal principles and standards on the protection and treatment of refugees is still needed.

Accession increases cooperation and responsibility-sharing

Accession strengthens predictability and accountability at the international level and is a signal of multilateralism and support for the principle of international solidarity underpinning refugee protection. By broadening the base of State support for the 1951 Convention and its 1967 Protocol, refugee protection is more universal in scope and the responsibilities of governments are more equitably shared and consistently applied to secure durable solutions.

The 1951 Convention recognizes in its Preamble that a satisfactory solution to refugee situations cannot be achieved without international cooperation. In 2018, the United Nations General Assembly affirmed the Global Compact on Refugees (GCR) and committed themselves to more predictable and equitable responsibility-sharing and sustainable solutions for refugees, while taking account of existing contributions and the differing capacities and resources among States.

Accession signals the State's willingness to protect refugees and thereby helps UNHCR to mobilize international funding and other support to increase cooperation and share responsibilities between States.

Accession enables self-reliant lives and finding solutions

Refugee situations continue to increase in scope, scale and complexity, yet durable solutions are difficult to find. Millions of refugees live in protracted situations, often in low- and middle-income countries facing their own economic and development challenges. By acceding to the 1951 Convention and its 1967 Protocol, a State underlines its willingness to cooperate with the international community, including development partners, and UNHCR in finding solutions to refugee situations while promoting growth and increase prosperity of its society and population.

The 1951 Convention and its 1967 Protocol provide refugees with rights that enable them to live self-reliant lives and to positively contribute to the social and economic life of host countries. For example, the 1951 Convention recognizes refugees' need for access to decent work and calls for accessing wage-earning employment and self-employment, as well as access to labour rights and social protection. Strong legal frameworks and inclusion in development plans and national systems have been shown in the mid to long term to contribute to improved economic conditions, social cohesion and access to social services for both refugees and host communities.

Why is now a good time to accede?

The Global Refugee Forum (GRF) provides an opportunity for States, refugees and host communities, development actors, international financial institutions, the private sector, civil society organizations, faith-based organizations, international organizations, cities, municipalities and local authorities, academia and researchers, parliaments, sports organizations, and other stakeholders to take stock, announce new pledges, and share learning to help reach the goals of the GCR. The GRF is the ideal forum for States to demonstrate their commitment to the protection of refugees by acceding, or alternatively, pledging to accede to the 1951 Convention and/or its 1967 Protocol and thereby reinforce the international framework for refugee protection. The GRF also facilitates matching law and policy pledges by host countries with pledges by donors, development actors and other stakeholders to provide the financial, material, technical or other support necessary for their implementation. Matching translates the principle of responsibility-sharing into action, providing a concrete and coordinated way for traditional and non-traditional partners to support and resource the commitments made by host countries.

What is the role of States in protecting refugees?

Protecting refugees is the primary responsibility of States. States party to the 1951 Convention or its 1967 Protocol are obliged to ensure refugees have access to certain core rights and standards of treatment in line with internationally recognized norms. They agree to apply those standards to refugees and confer other, specific rights which reflect the fact that refugees have lost the protection of their home countries. States are expected to cooperate with UNHCR in ensuring that the rights of refugees as defined in international and regional refugee and human rights law are respected, protected and fulfilled.

What is UNHCR's role in protecting refugees?

UNHCR serves as the custodian of the 1951 Convention and its 1967 Protocol. UNHCR complements the role of States and contributes to protecting refugees by:

- Promoting the accession to and implementation of the international and regional refugee protection regime;
- Ensuring that refugees are not forcibly returned to the countries from which they fled and are granted asylum;
- Ensuring that refugees have access to their rights and are treated in accordance with internationally recognized standards of law;
- Promoting appropriate procedures to determine whether or not a person is a refugee according to the 1951 Convention definition and/or other definitions found in regional conventions; and
- Facilitating durable solutions for refugees.

What other support do States receive in protecting refugees?

The GCR has set out a blueprint for more sustainable, inclusive responses that take a “whole-of-society” approach, engaging a wide range of stakeholders. The GRF brings together traditional and non-traditional partners, including States, refugees and host communities, development actors, international financial institutions, the private sector, civil society organizations, faith-based organizations, international organizations, cities, municipalities and local authorities, academia and researchers, parliaments, sports organizations, and others who have a role to play in supporting refugees. States and other stakeholders work together to develop multistakeholder pledges with a large-scale reach, working towards an ambitious common goal. These joint pledges are transformational, putting in place long-term arrangements that advance collective approaches and responsibility sharing, drawing from a clearly defined resource base, donorship, or financial instrument linked to implementation.

Does accession mean that refugees will stay permanently?

Once a person is recognized as a refugee, States generally provide a residence permit or visa allowing them to remain in the country on a long-term or permanent basis. In many countries, refugees may be entitled to apply to become citizens after a certain period of time. However, the protection provided under the 1951 Convention is not automatically permanent. A person may cease to be a refugee when the conditions that caused them to become a refugee no longer exist.

What if the local population has concerns about accession?

Government officials can help to allay concerns that may be due to misconceptions about the 1951 Convention and its 1967 Protocol. These instruments provide a framework within which a country can build its refugee policy. Without such a framework, there is a risk of ad hoc and inefficient responses. Concerns among local communities are more likely to arise where refugees do not have a formal legal status and when policies are not predictable. It is preferable for a State to have a sound refugee policy in place outlining preparedness and coordination mechanisms before having to respond to an emergency. Policies hastily designed during a crisis situation due to a lack of prior preparation are often detrimental to State interests and national security concerns.

Does accession encourage refugees to come to a country?

There is no evidence that refugees tend to move to countries that have acceded to the 1951 Convention and/or its 1967 Protocol. Refugees are searching for safety and the overwhelming majority remain in countries neighbouring or close to their own. Some of the world’s largest refugee populations are hosted by countries that are not party to the 1951 Convention and its 1967 Protocol. Acceding will help these countries cope better with refugee situations.

Who can be excluded from refugee protection?

The 1951 Convention and its 1967 Protocol protect only persons who meet the criteria for refugee status. Certain categories are deemed not to be deserving of this protection, including:

- Persons who have committed a crime against peace, a war crime, a crime against humanity;

- Persons who have committed a serious non-political crime outside the country of refuge; and
- Persons guilty of acts contrary to the purposes and principles of the United Nations.

Moreover, refugees are required to abide by the laws and regulations of their country of asylum and respect measures taken for the maintenance of public order.

Is a State Party required to provide refugees with land, housing, jobs and education?

Generally speaking, the 1951 Convention and its 1967 Protocol aim to ensure that recognized refugees are treated on an equal footing with other foreigners lawfully staying in the country regarding the acquisition of property, employment and housing. With respect to primary education, refugees are to be treated on an equal footing with nationals.

Can a State that has not acceded to the 1951 Convention or its 1967 Protocol refuse to admit a person seeking protection?

A refugee seeking protection must not be prevented from entering a country. Nor can a refugee be forcibly returned to their home country or any other country where they could face persecution. The principle of non-refoulement, which prohibits the return of a refugee to a territory where they may be at risk of persecution, torture, or other forms of serious or irreparable harm, is a norm of customary international law. As such, it is binding on all States, whether or not they have acceded to the 1951 Convention or its 1967 Protocol.

What is the difference between a refugee and a migrant?

A migrant enjoys the protection of their home government, a refugee does not. A migrant normally leaves a country by choice to secure, for example, work or education opportunities. Fearing persecution or other serious harm if returned to their home country, refugees have no option other than to seek safety in another country. The establishment of a State asylum system after accession to the 1951 Convention or its 1967 Protocol determines who is a refugee and therefore in need of international protection and who may fall into other categories, such as migrants.

Are there any costs to accession?

Accession, in itself, does not carry any charges or costs. There are costs associated with building State asylum systems and with hosting refugees. These costs arise whether or not a State has acceded to the 1951 Convention or its 1967 Protocol. However, accession shows the State's commitment to refugee protection and international standards. In turn, this can help the State, working together with UNHCR and other stakeholders, to mobilize international funding and other support to share responsibilities with other States and work towards securing viable solutions.

HOW TO BECOME A PARTY TO THE 1951 CONVENTION AND ITS 1967 PROTOCOL

1. Accession to the 1951 Convention and the 1967 Protocol

- A State can accede to the 1951 Convention and its 1967 Protocol at any time by depositing an instrument of accession with the United Nations Secretary-General.
- When acceding to the 1951 Convention, States must make a declaration whether they choose alternative (a) or (b) of Article 1B (1) of the 1951 Convention.¹
- Nearly all States party to the 1951 Convention have accepted the wider alternative (i.e., eliminating the ‘geographical limitation’) contained in alternative (b). As of September 2023, only three countries maintain the ‘geographical limitation’.
- Accession to the 1967 Protocol implies an understanding to apply the provisions of the 1951 Convention without any ‘geographical’ and ‘temporal limitation’. States wishing to accede to the 1967 Protocol must follow the same procedure as for accession to the 1951 Convention.
- States may accede simultaneously to both the 1951 Convention and its 1967 Protocol. Most States do so. When acceding simultaneously to both instruments, States must still make a formal declaration regarding the geographical application under Article 1B (1) of the 1951 Convention.

2. Step-by-step process

- The instrument(s) of accession must be signed by the Head of State or Government or the Foreign Minister.
- The instrument(s) is/are then transmitted through the Permanent Mission of the acceding State to the Treaty Section of the United Nations Headquarters in New York.
- States are advised to deliver the instrument(s) to the Treaty Section of the United Nations directly to ensure the action is promptly processed.
- In addition to delivery by hand, the instrument(s) may also be emailed to the Treaty Section at treatysection@un.org. In accordance with the United Nations Secretary-General’s depositary practice, if a State initially sends by email a signed copy of an instrument, such copy may be accepted for deposit, but that State must provide the original as soon as possible thereafter to the Treaty Section.
- A general model instrument of accession is available in all six UN languages at www.treaties.un.org/pages/Resource.aspx?path=Publication/ModelInstruments/Page1_en.xml.
- A model instrument for accession to the 1951 Convention can be found in English in Annex I.
- A model instrument for accession to the 1967 Protocol can be found in English in Annex II.

¹ Article 1B (1) reads: “For the purpose of this Convention, the words ‘events occurring before 1 January 1951’ in Article 1A shall be understood to mean either: (a) ‘events occurring in Europe before 1 January 1951’; or (b) ‘events occurring in Europe and elsewhere before 1 January 1951’, and each contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention”.

3. Succession

- New States resulting from the partition or disintegration of States are not automatically bound by treaties to which the predecessor State had acceded.
- These new States have three options:
 1. accede;
 2. succeed to the predecessor State's obligations;
 3. indicate their intention not to be bound by the treaties concluded by the predecessor State.
- Due to legal intricacies, it is recommended to follow the process of accession described under sections one and two above. If a State considers the option of succession, it is recommended to contact UNHCR or the UN Treaty Section for guidance.

4. Reservations to the 1951 Convention and its 1967 Protocol

- To take account of special conditions prevailing at the time of accession in the respective country, the 1951 Convention and its 1967 Protocol allow States to make reservations to certain but not all provisions.
- Reservations should be compatible with the object and purpose of the 1951 Convention and its 1967 Protocol. In addition, a reservation should not be expressed in such broad terms that it is impossible for a State Party to determine the scope of the reservation.
- States may make an interpretative declaration, which does not modify the legal effect of a provision but expresses how a particular State understands certain aspects of the 1951 Convention and its 1967 Protocol. However, in cases where a State attaches to such a declaration a condition to its adherence to the treaty or to a specific provision of the treaty, such conditional interpretative declaration is subject to the rules on reservations.²
- In accordance with Article 42 of the 1951 Convention, reservations may not be made to several of its fundamental provisions. These provisions are:
 - Article 1 (definition of the term "refugee")
 - Article 3 (non-discrimination)
 - Article 4 (freedom of religion)
 - Article 16(1) (access to courts)
 - Article 33 (non-refoulement)
 - Articles 36 to 46 inclusive (the final clauses)
- Upon accession to the 1967 Protocol, reservations may be made in accordance with Article VII (1) and Article I to the application of any Article of the 1951 Convention, except those mentioned above. Reservations may also be made to Article IV of the 1967 Protocol (settlement of disputes). The 1967 Protocol does not permit any other reservations.
- As per Article VII (2) of the 1967 Protocol, reservations made in accordance with Article 42 of the 1951 Convention are also applicable to obligations under the 1967 Protocol, unless withdrawn. These reservations therefore do not need to be made again when acceding to the 1967 Protocol.

² International Law Commission, *Guide to Practice on Reservations to Treaties*, 2011, Guideline 1.4, para. 1. See Jeremy Hill, *Aust's Modern Treaty Law and Practice*, Fourth edition, 2023, Cambridge University Press, pp. 139–141.

- As per Article VII (4) of the 1967 Protocol, any declaration made on the territorial application of the 1951 Convention in accordance with Article 40 (1) and (2) are also applicable to the application of the 1967 Protocol, unless the Secretary-General is informed otherwise upon accession to the 1967 Protocol.
- Over time, and in response to changes in circumstances, several States decided to withdraw reservations made at the time of accession. UNHCR encourages States to accede to the 1951 Convention and 1967 Protocol without reservations and urges all State Parties to consider withdrawing reservations and/or lifting the 'geographical limitation'.

5. Checklist of procedures for accession

- ✓ Prepare and execute the instrument(s) of accession in accordance with the model instruments in the Annexes.
- ✓ Ensure that a declaration concerning geographical scope has been made in accordance with Article 1B (1) of the 1951 Convention and that the instruments have been duly signed and sealed.
- ✓ Ensure that any reservations made comply with the limitations in Article 42 of the 1951 Convention and Article VII (1) of the 1967 Protocol.
- ✓ Deposit the instrument(s) of accession delivered by hand with the Treaty Section of the United Nations Headquarters in New York.
- ✓ If the instrument is emailed, make sure to provide the original copy as soon as possible.
- ✓ Ensure compliance with any domestic processes, including constitutional requirements, concerning the accession to international instruments and the domestic entry into force of such instruments. The measures required to give domestic effect to the 1951 Convention and its 1967 Protocol will vary according to these domestic requirements. In some cases, accession may be sufficient to give the 1951 Convention and its 1967 Protocol effect under domestic law. In others, it may be necessary to go through a process of ratification or to enact the provisions of the 1951 Convention and its 1967 Protocol into domestic legislation.

6. Further resources

- On the 1951 Convention and its 1967 Protocol, its history, core principles and related rights and obligations of refugees:

UNHCR website, The 1951 Refugee Convention: www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention

Refugee Treaty and Legislation Dashboard: <https://rimap.unhcr.org/refugee-treaty-legislation-dashboard>

- On the Global Compact on Refugees:

Global Compact on Refugees website: www.globalcompactrefugees.org

UNHCR website, Global Compact on Refugees: www.unhcr.org/about-unhcr/who-we-are/global-compact-refugees

Global Compact on Refugees Indicator Report:

www.globalcompactrefugees.org/global-compact-refugees-indicator-report

- On the definition of a refugee:
UNHCR Master Glossary: www.unhcr.org/glossary
UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, 2019: www.unhcr.org/media/handbook-procedures-and-criteria-determining-refugee-status-under-1951-convention-and-1967
- On international and regional treaties relating to refugees:
UNHCR Refworld: www.refworld.org
Refugee Treaty and Legislation Dashboard: <https://rimap.unhcr.org/refugee-treaty-legislation-dashboard>
- On UNHCR and its work:
UNHCR website: www.unhcr.org
UNHCR Global Report: www.unhcr.org/what-we-do/reports-and-publications/global-report
UNHCR Global Trends Report: www.unhcr.org/global-trends

Contact

For questions regarding accession to the 1951 Convention and/or its 1967 Protocol, please contact the UNHCR representation in your country: www.unhcr.org/about-unhcr/where-we-work

For more information generally on accession to international treaties, please contact the United Nations Treaty Section: www.treaties.un.org/pages/Contact.aspx?clang=en

Official communications from Governmental authorities or other entities relating to the depositary, registration and publication functions of the Treaty Section may be addressed to:

Treaty Section
Office of Legal Affairs
United Nations
2 UN Plaza - 323 E 44th Street
Room DC2-0501
New York, NY 10017
United States of America

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ANNEX I

**MODEL INSTRUMENT OF ACCESSION
TO THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 1951**

WHEREAS a Convention Relating to the Status of Refugees was adopted by the General Assembly of the United Nations on the 28th day of July, one thousand, nine hundred and fifty-one, and is open for accession pursuant to Article 39 thereof;

AND WHEREAS, it is provided in section 3 of the said Article 39 that accession thereto shall be effected by deposit of an instrument with the Secretary-General of the United Nations;

NOW THEREFORE, the undersigned, [Title of Head of State, or of Head of Government or of Foreign Minister] hereby notifies the accession of the [State concerned] which considers itself bound by alternative (b) of Article IB(1) thereof, that is to say "events occurring in Europe or elsewhere before 1 January 1951".

GIVEN under my hand this [day of the month] day of [month] two thousand and [year]

[Public Seal and Signature
of custodian if appropriate]

[Signature of Head of State
or of Head of Government
or of Foreign Minister]

ANNEX II

**MODEL INSTRUMENT OF ACCESSION
TO THE PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 1967**

WHEREAS the Protocol Relating to the Status of Refugees was adopted by the General Assembly of the United Nations on the 16th day of December, one thousand, nine hundred and sixty-six, and is open for accession pursuant to Article V thereof;

AND WHEREAS, it is provided in Article V that accession thereto shall be effected by deposit of an instrument with the Secretary-General of the United Nations;

NOW THEREFORE, the undersigned, [Title of Head of State, or of Head of Government or of Foreign Minister] hereby notifies the accession of the [State concerned] to the said Protocol,

GIVEN under my hand this [day of the month] day of [month] two thousand and [year]

[Public Seal and Signature
of custodian if appropriate]

[Signature of Head of State
or of Head of Government
or of Foreign Minister]