



# **WHY ACCEDE TO**

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

January 2025

Benjamin, a 19-year-old Chin refugee from Myanmar is an aspiring professional football player. After arriving in Malaysia in 2014, he was reunited with his parents. Now living in Klang, Selangor, he balances his studies at El Shaddai Learning Centre with his passion for football. As an assistant coach, Benjamin motivates his team, recently leading them to a second-place finish at the Faisal Cup.

©UNHCR/Azwan Rahim

## 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.

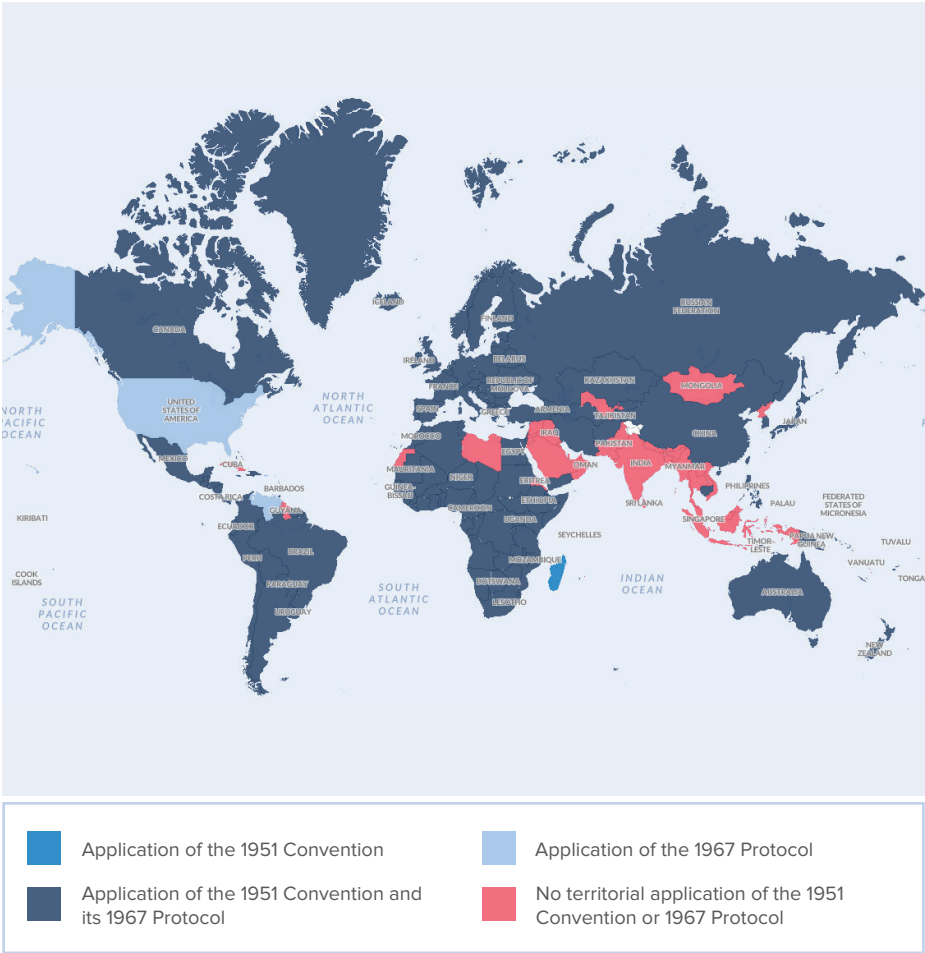


Chancelline holds her baby while being registered in Rugombo, Cibitoke Province, Burundi, after fleeing violence in the Democratic Republic of the Congo (DRC). She travelled with her family for three days before reaching safety. Now reunited with her husband Ishara, who escaped forced recruitment by rebels, the couple wants to build a future for their children. ©UNHCR/Charity Nzomo

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.

More than two-third of UN Member States are party to the 1951 Convention and/or its 1967 Protocol. This is a significant number and proof of the broad acceptance of these instruments. However, when compared to the almost universal accession to the Convention on the Rights of the Child and the 1949 Geneva Conventions, more commitment by States to comply with international legal principles and standards on the protection and treatment of refugees is still needed.

States party to and territories to which the 1951 Convention and/or its 1967 Protocol extends:



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.



**Find more information** on accessions to the 1951 Convention and its 1967 Protocol on UNHCR's Refugee Treaty and Legislation Dashboard: <https://rimap.unhcr.org/refugee-treaty-legislation-dashboard>

## 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.



The High Commissioner addresses the 75th annual plenary session of the Executive Committee in Geneva, Switzerland. ©UNHCR/Baz Ratner



## 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 and societies.



Refugees from Sudan and host community members work together at the Agro project in Farchana, eastern Chad, where a newly constructed dam is helping with farming in the area, as underground water levels stay high throughout summer. ©UNHCR/Ala Kheir

# FREQUENTLY ASKED QUESTIONS

## ON ACCESSION

### What is the difference between the 1951 Convention and the 1967 Protocol?

In July 1951, a diplomatic conference in Geneva adopted the 1951 Convention. It has since been subject to only one amendment in the form of the 1967 Protocol. Initially, the 1951 Convention was essentially limited to protecting refugees from Europe in the aftermath of the Second World War: The Convention contains the words “events occurring before 1 January 1951” which are widely understood to mean “events occurring in Europe” prior to that date.



The signature of the 1951 Refugee Convention in Geneva, Switzerland. ©Arni/UN Archives

The 1967 Protocol, adopted on 4 October 1967, removes these ‘geographical’ and ‘temporal’ limitations, expanding the 1951 Convention to apply universally and without time limitations, protecting all persons fleeing conflict and persecution.



*Find more information* about the 1951 Convention and its 1967 Protocol [www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention](http://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention)

## Why should a State accede to both the 1951 Convention and its 1967 Protocol?

Given the historical importance of the 1951 Convention and its 1967 Protocol, acceding to both instruments sends the most powerful signal of commitment to global refugee protection principles and standards. It would also avoid restrictions due to the ‘geographical’ and ‘temporal’ limitations.

Almost all State Parties to one or both instruments are party to both (see the Refugee Treaty and Legislation Dashboard). Accession to both instruments would demonstrate the State’s willingness to abide by the universal norms of international refugee law, and to the principle of responsibility-sharing, and to cooperate with the international community. This would enable the State and UNHCR to mobilize international funding and technical expertise to support the State and share the responsibility of protecting refugees.

## What is the responsibility of States in protecting refugees?

Protecting refugees is the primary responsibility of States. States parties to the 1951 Convention or its 1967 Protocol are obliged to ensure refugees have access to rights and standards of treatment listed in the 1951 Convention, which reflect the fact that refugees have lost the protection of their home countries. The 1951 Convention permits a flexible approach to the rights and standards of treatment except for particular rights such as non-discrimination, free access to courts, administrative assistance, the issuance of identity documentation, prohibition of arbitrary expulsion and protection from refoulement, to which every refugee is entitled.



The other entitlements of a refugee are based on the legal status of the person in the country, and relative to the treatment of others (either equal to the treatment of other non-nationals generally, the most favourably treated other non-nationals, or nationals). In addition, States may not make reservations to several of the fundamental provisions, including the definition of the term 'refugee', the non-discrimination of refugees, freedom of religion, access to courts, and non-refoulement. State parties to either instrument are not allowed to limit the rights refugees have under other instruments to which the State has acceded, for example human rights law instruments.



***Learn more** about the responsibilities of States in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees: [www.unhcr.org/media/handbook-procedures-and-criteria-determining-refugee-status-under-1951-convention-and-1967](http://www.unhcr.org/media/handbook-procedures-and-criteria-determining-refugee-status-under-1951-convention-and-1967)*

## What is the role of UNHCR in protecting refugees?

UNHCR has a responsibility to supervise the application of the 1951 Convention and its 1967 Protocol, thereby promoting a consistent interpretation and implementation of the instruments.



Juan Carlos Cruz, 43, fled Venezuela in 2016 due to political persecution and requested asylum in Panama. In Panama, UNHCR works closely with the Government, other UN agencies, civil society, and the private sector to respond to humanitarian needs, provide protection, and strengthen self-reliance of refugees in the country. ©UNHCR/Santiago Escobar-Jaramillo

UNHCR complements the role of States, assists them in meeting their obligations under the 1951 Convention and the 1967 Protocol, 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?

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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 Global Refugee Forum (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, 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. The 1951 Convention encourages States to facilitate and expedite the naturalization of refugees. 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/or 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 prior to the admission to that country as a refugee; 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, 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. Access to wage-earning employment under the 1951 Convention increases incrementally according to residence and length of stay in the host country and aims to treat refugees on the same level as nationals. With respect to primary education, refugees are to be treated on an equal footing with nationals. As regards access to secondary and tertiary education, UNHCR encourages States to treat refugees in the same way as nationals, particularly with regards to fees.

## 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.



*Looking for more definitions?* Explore UNHCR's Master Glossary:  
[www.unhcr.org/glossary](http://www.unhcr.org/glossary)

## 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, including development actors and financial institutions, to mobilize international funding and other support to share responsibilities with other States and work towards securing viable solutions.



## Why is now a good time to accede?

The Global Refugee Forum (GRF) provides an opportunity for States and other stakeholders to take stock, announce pledges, and share learning to help reach the goals of the Global Compact on Refugees (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 reinforcing the international framework for refugee protection.

The GRF also facilitates supporting 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. This 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.



*Find more information about the Global Compact on Refugees and the Global Refugee Forum: [www.globalcompactrefugees.org](http://www.globalcompactrefugees.org)*



Speakers and attendees at the final plenary and Closing Ceremony of the Global Refugee Forum 2023.  
©UNHCR/Will Swanson

# 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.
- The instrument(s) of accession must be signed by the Head of State or Government or the Foreign Minister.
- States are advised to directly deliver the instrument(s) to the Treaty Section of the United Nations Headquarters in New York 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](mailto: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.
- 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.

*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".*

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 January 2025, 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 may accede simultaneously to both the 1951 Convention and its 1967 Protocol. Most States have done 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. In this case, States must choose alternative (b) of Article 1B(1) for Article 1A to be understood to mean refugees resulting from “events occurring in Europe or elsewhere before 1 January 1951”.
- States that had initially chosen alternative (a) of Article 1B (1) upon acceding to the 1951 Convention wishing to also accede to the 1967 Protocol are encouraged to extend its obligations by adopting alternative 1B (1) (b) as per Article 1B (2).
- 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.



*A **general model instrument** for accession is available in all six UN languages here: [https://treaties.un.org/pages/Resource.aspx?path=Publication/ModelInstruments/Page1\\_en.xml](https://treaties.un.org/pages/Resource.aspx?path=Publication/ModelInstruments/Page1_en.xml)*

## 2. Succession

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- 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 Section 1 above. If a State considers the option of succession, it is recommended to contact UNHCR or the UN Treaty Section for guidance.

## 3. Reservations to the 1951 Convention and its 1967 Protocol

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- 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.<sup>1</sup>

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

- 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.
- 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'.



## 4. Checklist and step-by-step process for accession .....

### A. Domestic level:

- ☐ Take decision on domestic level to accede to the 1951 Convention and/or the 1967 in compliance with domestic processes, including constitutional requirements.

### B. International level:

- ☐ Prepare and execute the instrument(s) of accession in accordance with the model instruments in the Annexes.
- ☐ If acceding to the 1951 Convention, ensure that a declaration concerning geographical scope has been made in accordance with Article 1B (1) of the 1951 Convention.
- ☐ Ensure that any reservations made comply with the limitations in Article 42 of the 1951 Convention and Article VII (1) of the 1967 Protocol.
- ☐ Ensure that the instruments have been duly signed by the Head of State or Government or the Foreign Minister and sealed.

### C. International level:

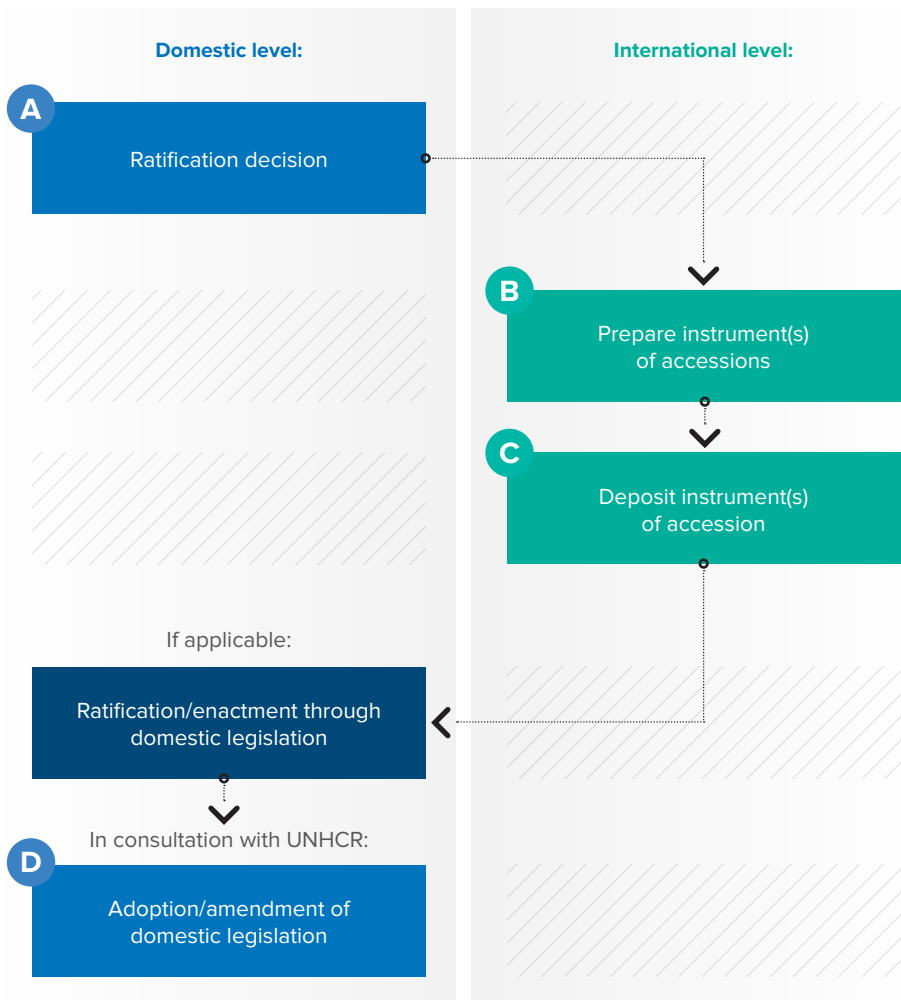
- ☐ Deposit the signed originals of the instrument(s) of accession with the Treaty Section of the United Nations Headquarters in New York delivered by hand through the Permanent Mission of the acceding State.
- ☐ In addition to delivery by hand, the instrument(s) should also be emailed to the Treaty Section at [treatysection@un.org](mailto:treatysection@un.org).

### D. Domestic level:

- ☐ 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.

- ☐ Review existing domestic laws and regulations and identify gaps with standards under the 1951 Convention and/or the 1967 Protocol.
- ☐ Adopt laws and regulations to give effect to the provisions of the 1951 Convention and/or its 1967 Protocol (e.g., through an asylum law/ refugee law).
- ☐ Amend relevant domestic legislation and regulations to ensure refugees have access to their rights (e.g., labour laws/education laws).

### Step-by-step process for accession:



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

**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 [*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 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES

**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 [*month*] two thousand and [*year*]

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[*Public Seal and Signature  
of custodian if appropriate*]

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

## Contact

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



***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](http://www.unhcr.org/about-unhcr/where-we-work)*



***For more information** generally on accession to international treaties, please contact the United Nations Treaty Section: [https://treaties.un.org/pages/Contact.aspx?clang=\\_en](https://treaties.un.org/pages/Contact.aspx?clang=_en)*



