

UNITED NATIONS
PROCEDURES FOR BECOMING
A PARTY TO THE 1951 CONVENTION
AND THE 1967 PROTOCOL RELATING
TO THE STATUS OF REFUGEES

FILE NO. 1

C.N.7.1954.TREATIES

29 January

CONVENTION RELATING TO THE STATUS OF REFUGEE
DONE AT GENEVA ON 28 JULY 1951
ENTRY INTO FORCE

Sir,

I am directed by the Secretary-General to inform
following States deposited, on the dates indicated,

of ratification to the Convention relating
of Refugees on 28 July 1951, in accordance

Article 10 of the Convention

Denmark 4 December 1953

Norway 23 March 1954

Belgium 22 July 1954

Luxembourg 23 July 1954

Finland 1 December 1953

Australia 22 January 1954

In accordance with the provisions of its Article
will come into force on 22 April 1954, that is to say
day following the day of deposit of the sixth instru-
or accession".

The present notification is made in accordance
Article 46 of the Convention.

Accept, Sir, the assurances of my highest consid-





PROCEDURES FOR BECOMING A PARTY TO THE 1951 CONVENTION AND THE 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES

HOW TO SIGN ON TO THE REFUGEE CONVENTIONS

This document sets out procedures for becoming a party to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

1. Accession to the 1951 Convention Basic Steps

- A State can accede to the 1951 Convention relating to the Status of Refugees at any time by depositing an instrument of accession with the Secretary-General of the United Nations.
- The instrument of accession must be signed by the Foreign Minister or the Head of State or Government.
- It is then usually transmitted through the Representative of the acceding country accredited to United Nations Headquarters in New York.
- A model instrument of accession to the 1951 Convention can be found in Annex I.

Need for Declaration

- 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 parties to the Convention have accepted the wider alternative (i.e. eliminating the “geographical limitation”) contained in alternative (b). The majority of States that had originally introduced the geographical limitation as per alternative (a) have withdrawn it. As of 1 July 2001, only five countries maintain the geographical limitation.

2. Accession to the 1967 Protocol and simultaneous accession to the Convention and Protocol

- States wishing to accede to the 1967 Protocol relating to the Status of Refugees must follow the same procedure as for accession to the 1951 Convention. (Please refer to section one.)

Accession to the 1967 Protocol implies an understanding to apply its provisions without any geographical limitation. A model instrument for accession to the Protocol can be found in Annex II.

- States may accede simultaneously to both the Convention and 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 Convention. (Please refer to section one.)

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:
 - > “Succeed” to the predecessor State’s obligations
 - > Accede *de novo*
 - > Indicate their intention not to be bound by the treaties concluded by the predecessor State
- Model instruments of succession to the Convention and Protocol – corresponding to the first option – can be found in Annexes III and IV.

4. Reservations

- To take account of special conditions prevailing at the time of accession or succession, the Convention and the Protocol allow Contracting States to make reservations to certain of their provisions.
- In accordance with Article 42 of the 1951 Convention, however, reservations may not be made to several of its fundamental provisions.



¹ Article 1B (1) states: “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”.

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 Protocol, reservations may be made in respect of any article(s) of the 1951 Convention, except those mentioned above. No reservations may be made to Article II of the Protocol, concerning co-operation with UNHCR. Reservations may be made to Article IV of the 1967 Protocol, which corresponds to Article 38 of the 1951 Convention (settlement of disputes).
 - Reservations should be compatible with the object and purpose of the Convention and 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. Instead of a reservation, States can 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 Convention and Protocol.
 - Over time, and in response to changes in circumstances, some States have decided to withdraw reservations made at the time of accession. In the run-up to the Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, which will be held in Geneva on 12 and 13 December 2001, UNHCR is encouraging States to accede to the Convention and Protocol and urging all States Parties to consider withdrawing reservations and lifting the geographical limitation.

CHECKLIST OF PROCEDURES FOR ACCESSION

- ✓ Prepare and execute instruments of accession (or succession, as the case may be) in accordance with the model instruments contained in the annexes.
- ✓ Ensure that a declaration concerning geographical scope has been made in accordance with Article 1B of the Convention and that the instruments have been duly signed and sealed.
- ✓ Ensure that any reservations made comply with the limitations contained in Article 42 of the Convention and Article VII of the Protocol.
- ✓ Deposit the instrument(s) of accession/succession with the Secretary-General of the United Nations in New York. This can be done in person by the Head of State, Head of Government or Foreign Minister, or by your country's Permanent Mission to the United Nations in New York – or even by mail.
- ✓ 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 Convention and the Protocol will vary according to these domestic requirements. In some cases, accession may be sufficient to give the Convention and the Protocol force under domestic law. In others, it may be necessary to go through a process of ratification or to enact the provisions of the Convention and the Protocol into domestic legislation.

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 in this day of
two thousand and

[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 in this day of
two thousand and

[Public Seal
and
Signature of
custodian if
appropriate]

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

ANNEX III

MODEL INSTRUMENT OF SUCCESSION TO THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF 1951

WHEREAS the Convention Relating to the Status of Refugees, done at Geneva on 28 July 1951, was ratified by [Former State Party]

AND WHEREAS, the Government of [Successor State] has examined the said Convention;

THE GOVERNMENT of [Successor State] declares that they regard the said Convention as continuing in force for [Successor State] and hereby succeed to the same;

NOW THEREFORE, the undersigned, [Title of Head of State, or of Head of Government or of Foreign Minister] hereby notifies the succession of the [Successor State] to the said Convention, and declares that [Successor State] 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 in this day of
two thousand and

[Public Seal
and
Signature of
custodian if
appropriate]

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

ANNEX IV

MODEL INSTRUMENT OF SUCCESSION TO THE PROTOCOL RELATING TO THE STATUS OF REFUGEES OF 1967

WHEREAS the Protocol Relating to the Status of Refugees, done at New York on 31 January 1967, was ratified by [Former State Party]

AND WHEREAS, the Government of [Successor State] has examined the said Protocol;

THE GOVERNMENT of [Successor State] declares that they regard the said Protocol as continuing in force for [Successor State] and hereby succeed to the same;

NOW THEREFORE, the undersigned, [Title of Head of State, or of Head of Government or of Foreign Minister] hereby notifies the succession of the [Successor State] to the Protocol relating to the Status of Refugees, done at New York on 31 January 1967.

GIVEN under my hand in this day of
two thousand and

[Public Seal
and
Signature of
custodian if
appropriate]

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

I would like more information about:

UNHCR and its work:

Visit UNHCR's website at www.unhcr.org. You can also consult *The State of the World's Refugees: Fifty Years of Humanitarian Action*. (Oxford University Press - 2000).

The definition of who is a refugee:

See *Protecting Refugees: Questions and Answers*. (UNHCR Department of International Protection).

International laws relating to refugees:

Visit UNHCR's website at www.unhcr.org. Also refer to the *Collection of International Instruments and Other Legal Texts Concerning Refugees and Displaced Persons* (UNHCR, Department of International Protection) and *The 1951 Refugee Convention: Questions and Answers* (UNHCR, Media Relations and Public Information Service).

The Ministerial Meeting of States Parties to the 1951 Convention/1967 Protocol:

Contact the Secretariat, Ministerial Meeting 1951 Refugee Convention, c/o Permanent Mission of Switzerland, PO Box 92, rue de Varembe 9-11, 1211 Geneva 20, Switzerland. Phone: +41 22 749-2440; Fax +41 22 749-2588;

E-mail: secretariat.51convention@eda.admin.ch

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