

5. PROTOCOL RELATING TO THE STATUS OF REFUGEES

New York, 31 January 1967

ENTRY INTO FORCE: 4 October 1967, in accordance with article VIII.
REGISTRATION: 4 October 1967, No. 8791.
STATUS: Parties: 146.
TEXT: United Nations, *Treaty Series*, vol. 606, p. 267.

Note: On the recommendation of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, the High Commissioner submitted the draft of the above-mentioned Protocol to the General Assembly of the United Nations, through the Economic and Social Council, in the addendum to his report concerning measures to extend the personal scope of the Convention relating to the Status of Refugees. The Economic and Social Council, in resolution 1186 (XLI)¹ of 18 November 1966, took note with approval of the draft Protocol and transmitted the said addendum to the General Assembly. The General Assembly, in resolution 2198 (XXI)² of 16 December 1966, took note of the Protocol and requested the Secretary-General "to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol."

<i>Participant</i>	<i>Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Afghanistan.....	30 Aug 2005 a	Colombia	4 Mar 1980 a
Albania.....	18 Aug 1992 a	Congo	10 Jul 1970 a
Algeria	8 Nov 1967 a	Costa Rica.....	28 Mar 1978 a
Angola	23 Jun 1981 a	Côte d'Ivoire	16 Feb 1970 a
Antigua and Barbuda	7 Sep 1995 a	Croatia ⁵	12 Oct 1992 d
Argentina	6 Dec 1967 a	Cyprus	9 Jul 1968 a
Armenia	6 Jul 1993 a	Czech Republic ⁷	11 May 1993 d
Australia ^{3,4}	13 Dec 1973 a	Democratic Republic of the Congo	13 Jan 1975 a
Austria	5 Sep 1973 a	Denmark ⁴	29 Jan 1968 a
Azerbaijan.....	12 Feb 1993 a	Djibouti.....	9 Aug 1977 d
Bahamas.....	15 Sep 1993 a	Dominica	17 Feb 1994 a
Belarus	23 Aug 2001 a	Dominican Republic	4 Jan 1978 a
Belgium	8 Apr 1969 a	Ecuador.....	6 Mar 1969 a
Belize.....	27 Jun 1990 a	Egypt	22 May 1981 a
Benin.....	6 Jul 1970 a	El Salvador	28 Apr 1983 a
Bolivia (Plurinational State of)	9 Feb 1982 a	Equatorial Guinea.....	7 Feb 1986 a
Bosnia and Herzegovina ⁵	1 Sep 1993 d	Estonia	10 Apr 1997 a
Botswana	6 Jan 1969 a	Ethiopia	10 Nov 1969 a
Brazil	7 Apr 1972 a	Fiji	12 Jun 1972 d
Bulgaria	12 May 1993 a	Finland.....	10 Oct 1968 a
Burkina Faso.....	18 Jun 1980 a	France ⁴	3 Feb 1971 a
Burundi	15 Mar 1971 a	Gabon	28 Aug 1973 a
Cambodia.....	15 Oct 1992 a	Gambia	29 Sep 1967 a
Cameroon.....	19 Sep 1967 a	Georgia	9 Aug 1999 a
Canada	4 Jun 1969 a	Germany ^{8,9}	5 Nov 1969 a
Cape Verde	9 Jul 1987 a	Ghana.....	30 Oct 1968 a
Central African Republic	30 Aug 1967 a	Greece.....	7 Aug 1968 a
Chad.....	19 Aug 1981 a	Guatemala.....	22 Sep 1983 a
Chile	27 Apr 1972 a	Guinea	16 May 1968 a
China ⁶	24 Sep 1982 a	Guinea-Bissau.....	11 Feb 1976 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Haiti	25 Sep 1984 a
Holy See	8 Jun 1967 a
Honduras.....	23 Mar 1992 a
Hungary	14 Mar 1989 a
Iceland	26 Apr 1968 a
Iran (Islamic Republic of).....	28 Jul 1976 a
Ireland.....	6 Nov 1968 a
Israel	14 Jun 1968 a
Italy	26 Jan 1972 a
Jamaica	30 Oct 1980 a
Japan	1 Jan 1982 a
Kazakhstan.....	15 Jan 1999 a
Kenya.....	13 Nov 1981 a
Kyrgyzstan.....	8 Oct 1996 a
Latvia	31 Jul 1997 a
Lesotho	14 May 1981 a
Liberia.....	27 Feb 1980 a
Liechtenstein.....	20 May 1968 a
Lithuania.....	28 Apr 1997 a
Luxembourg.....	22 Apr 1971 a
Malawi.....	10 Dec 1987 a
Mali.....	2 Feb 1973 a
Malta.....	15 Sep 1971 a
Mauritania.....	5 May 1987 a
Mexico	7 Jun 2000 a
Monaco	16 Jun 2010 a
Montenegro.....	10 Oct 2006 d
Morocco.....	20 Apr 1971 a
Mozambique	1 May 1989 a
Namibia	17 Feb 1995 a
Nauru	28 Jun 2011 a
Netherlands ^{4,10}	29 Nov 1968 a
New Zealand.....	6 Aug 1973 a
Nicaragua.....	28 Mar 1980 a
Niger	2 Feb 1970 a
Nigeria	2 May 1968 a
Norway	28 Nov 1967 a
Panama.....	2 Aug 1978 a
Papua New Guinea	17 Jul 1986 a
Paraguay	1 Apr 1970 a
Peru	15 Sep 1983 a
Philippines	22 Jul 1981 a
Poland.....	27 Sep 1991 a
Portugal ⁶	13 Jul 1976 a

<i>Participant</i>	<i>Accession(a), Succession(d)</i>
Republic of Korea.....	3 Dec 1992 a
Republic of Moldova.....	31 Jan 2002 a
Romania.....	7 Aug 1991 a
Russian Federation	2 Feb 1993 a
Rwanda	3 Jan 1980 a
Samoa	29 Nov 1994 a
Sao Tome and Principe.....	1 Feb 1978 a
Senegal	3 Oct 1967 a
Serbia ⁵	12 Mar 2001 d
Seychelles	23 Apr 1980 a
Sierra Leone.....	22 May 1981 a
Slovakia ⁷	4 Feb 1993 d
Slovenia ⁵	6 Jul 1992 d
Solomon Islands	12 Apr 1995 a
Somalia	10 Oct 1978 a
South Africa.....	12 Jan 1996 a
Spain.....	14 Aug 1978 a
St. Vincent and the Grenadines	3 Nov 2003 a
Sudan	23 May 1974 a
Suriname ¹¹	29 Nov 1978 d
Swaziland	28 Jan 1969 a
Sweden	4 Oct 1967 a
Switzerland.....	20 May 1968 a
Tajikistan	7 Dec 1993 a
The former Yugoslav Republic of Macedonia ⁵	18 Jan 1994 d
Timor-Leste	7 May 2003 a
Togo.....	1 Dec 1969 a
Trinidad and Tobago	10 Nov 2000 a
Tunisia	16 Oct 1968 a
Turkey	31 Jul 1968 a
Turkmenistan.....	2 Mar 1998 a
Tuvalu.....	7 Mar 1986 d
Uganda.....	27 Sep 1976 a
Ukraine	4 Apr 2002 a
United Kingdom of Great Britain and Northern Ireland ⁴	4 Sep 1968 a
United Republic of Tanzania.....	4 Sep 1968 a
United States of America.....	1 Nov 1968 a
Uruguay	22 Sep 1970 a
Venezuela (Bolivarian Republic of)	19 Sep 1986 a
Yemen ¹²	18 Jan 1980 a
Zambia.....	24 Sep 1969 a
Zimbabwe.....	25 Aug 1981 a

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon accession or succession.)

ANGOLA

The Government of Angola, in accordance with article VII, paragraph 1, declares that it does not consider itself bound by article IV of the Protocol, concerning settlement of disputes relating to the interpretation of the Protocol.

BOTSWANA

"Subject to the reservation in respect of article IV of the said Protocol and in respect of the application in accordance with article I thereof of the provisions of articles 7, 17, 26, 31, 32 and 34 and paragraph 1 of article 12 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951."

BURUNDI

In acceding to this Protocol, the Government of the Republic of Burundi enters the following reservations:

1. The provisions of article 22 are accepted, in respect of elementary education, only

(a) In so far as they apply to public education, and not to private education;

(b) On the understanding that the treatment applicable to refugees shall be the most favourable accorded to nationals of other States.

2. The provisions of article 17 (1) and (2) are accepted as mere recommendations and, in any event, shall not be interpreted as necessarily involving the régime accorded to nationals of countries with which the Republic of Burundi may have concluded regional, customs, economic or political agreements.

3. The provisions of article 26 are accepted only subject to the reservation that refugees:

(a) Do not choose their place of residence in a region bordering on their country of origin;

(b) Refrain, in any event, when exercising their right to move freely, from any activity or incursion of a subversive nature with respect to the country of which they are nationals.

CAPE VERDE

In all cases where the 1951 Convention relating to the Status of Refugees grants to refugees the most favorable treatment accorded to nationals of a foreign country, this provision shall not be interpreted as involving the régime accorded to nationals of countries with which Cape Verde has concluded regional customs, economic or political agreements.

CHILE

[See chapter V.2.]

CHINA

With a reservation in respect of article 4.

CONGO

The Protocol is accepted with the exception of article IV.

EL SALVADOR

With the reservation that the Government of El Salvador will not apply article 4 of the Protocol.

ETHIOPIA

[See chapter V.2.]

FINLAND

[See chapter V.2.]

GHANA

"The Government of Ghana does not consider itself bound by article IV of the Protocol regarding the settlement of disputes."

GUATEMALA¹³

HONDURAS

With respect to article I (1):

The Government of the Republic of Honduras does not consider itself bound by those articles of the Convention to which it has entered reservations.

ISRAEL

"The Government of Israel accedes to the Protocol subject to the same statements and reservations made at the time of ratifying the Convention [relating to the Status of Refugees, done at Geneva on 28 July 1951], in accordance with the provisions of article VII (2) of the Protocol."

JAMAICA

"[Subject] to the reservations set out below, ... [:]"

1. The Government of Jamaica understands articles 8 and 9 of the Convention as not preventing it from taking, in time of war or other grave and exceptional circumstances, measures in the interest of national security in the case of a refugee on the ground of his nationality.

2. The Government of Jamaica can only undertake that the provisions of paragraph 2 of article 17 of the Convention will be applied so far as the law of Jamaica allows.

3. The Government of Jamaica can only undertake that the provisions of article 24 of the Convention will be applied so far as the law of Jamaica allows.

4. The Government of Jamaica can only undertake that the provisions of paragraphs 1, 2, and 3 of article 25 of the Convention will be applied so far as the law of Jamaica allows.

5. The Government of Jamaica does not accept the obligation imposed by article IV of the Protocol relating to the Status of Refugees with regard to the settlement of disputes."

LATVIA

"Declaration

In accordance with paragraph 2 of the article VII of the [said Protocol], the Republic of Latvia declares that the reservations made in accordance with article 41 of the Convention Relating to the Status of Refugees of 1951 are applicable in relation to the obligations under the Protocol."

[See chapter V.2.]

ST. VINCENT AND THE GRENADINES

Reservation:

"In accordance with the provisions of Article VII paragraph 1 of the aforesaid Protocol, however, the Government of Saint Vincent and the Grenadines makes a reservation with respect to Articles IV of the Protocol that, for the submission of any dispute in terms of that article to the jurisdiction of the International Court of Justice, the express consent of all the parties to the dispute is required in each case."

SWAZILAND

Subject to the following reservations in respect of the application of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, under article I of the Protocol:

"(1) The Government of the Kingdom of Swaziland is not in a position to assume obligations as contained in article 22 of the said Convention, and therefore will not consider itself bound by the provisions therein;

(2) Similarly, the Government of the Kingdom of Swaziland is not in a position to assume the obligations of article 34 of the said Convention, and must expressly reserve the right not to apply the provisions therein."

Declaration:

"The Government of the Kingdom of Swaziland deems it essential to draw attention to the accession as a Member of the United Nations, and not as a Party to the [Convention relating to the Status of Refugees] by reason of succession or otherwise."

TIMOR-LESTE

Declaration:

"In conformity with Article VII and I of the Protocol, the Democratic Republic of Timor-Leste accedes to the Protocol, with the understanding that it has made reservations to Articles 16 (2), 20, 21, 22, 23 and 24 of the Convention relating to the Status of Refugees adopted by the General Assembly of the United Nations on the 28 July, 1951."

TURKEY

The instrument of accession stipulates that the Government of Turkey maintains the provisions of the declaration made under section B of article 1 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, according to which it applies the Convention only to persons who have become refugees as a result of events occurring in Europe, and also the reservation clause made upon ratification of the Convention to the effect that no provision of this Convention may be interpreted as granting to refugees greater rights than those accorded to Turkish citizens in Turkey.

UGANDA

[See chapter V.2.]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"(a) In accordance with the provisions of the first sentence of Article VII.4 of the Protocol, the United Kingdom hereby excludes from the application of the Protocol the following territories for the international relations of which it is responsible: Jersey, Southern Rhodesia, Swaziland.

(b) In accordance with the provisions of the second sentence of Article VII.4 of the said Protocol, the United Kingdom hereby extends the application of the Protocol

LUXEMBOURG

[See chapter V.2.]

MALAWI

"The Government of the Republic of Malawi reiterates its declaration on recognition as compulsory the jurisdiction of the International Court of Justice made on 12 December, 1966 in conformity with Article 36, paragraph 2 of the Statute of the Court. In this respect, the Government of the Republic of Malawi regards the phrase 'settled by other means' in Article 38 of the Convention and Article IV of the Protocol to be those means stipulated in Article 33 of the Charter of the United Nations."

MALTA

In accordance with article VII (2), the reservations to the Convention relating to the Status of Refugees of 28 July 1951 by the Government of Malta on deposit of its instrument of accession on 17 June 1971, pursuant to article 42 of the said Convention, are applicable in relation to its obligations under the present Protocol.

NETHERLANDS¹⁰

"In accordance with article VII of the Protocol, all reservations made by the Kingdom of the Netherlands upon signature and ratification of the Convention relating to the Status of Refugees, which was signed in Geneva on 28 July 1951, are regarded to apply to the obligations resulting from the Protocol."

PERU

[The Government of Peru] hereby expressly declares, with reference to the provisions of article I, paragraph 1, and article II of the aforementioned Protocol, that compliance with the obligations undertaken by virtue of the act of accession to that instrument shall be ensured by the Peruvian State using all the means at its disposal, and the Government of Peru shall endeavour in all cases to co-operate as far as possible with the Office of the United Nations High Commissioner for Refugees.

PORTUGAL

"1. The Protocol will be applied without any geographical limitation.

2. In all cases in which the Protocol confers upon the refugees the most favoured person status granted to nationals of a foreign country, this clause will not be interpreted in such a way as to mean the status granted by Portugal to the nationals of Brazil or to the nationals of other countries with whom Portugal may establish commonwealth type relations."

REPUBLIC OF KOREA¹⁴

RWANDA

Reservation to article IV:

For the settlement of any dispute between States Parties, recourse may be had to the International Court of Justice only with the prior agreement of the Rwandese Republic.

SOMALIA

[See chapter V.2.]

to the following territories for the international relations of which it is responsible: St. Lucia, Montserrat."

UNITED REPUBLIC OF TANZANIA

"Subject to the reservation, hereby made, that the provisions of Article IV of the Protocol shall not be applicable to the United Republic of Tanzania except within the explicit consent of the Government of the United Republic of Tanzania."

UNITED STATES OF AMERICA

With the following reservations in respect of the application, in accordance with article I of the Protocol, of the Convention relating to the Status of Refugees, done at New York on 28 July 1951:

"The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to non-resident aliens.

The United States of America accepts the obligation of paragraph 1 (b) of Article 24 of the Convention except

insofar as that paragraph may conflict in certain instances with any provisions of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances."

VENEZUELA (BOLIVARIAN REPUBLIC OF)

In implementing the provisions of the Protocol which confer on refugees the most favourable treatment accorded to nationals of a foreign country, it shall be understood that such treatment does not include any rights and benefits which Venezuela has granted or may grant regarding entry into or sojourn in Venezuela territory to nationals of countries with which Venezuela has concluded regional or subregional integration, customs, economic or political agreements.

The instrument of accession also contains a reservation in respect of article IV.

Objections

(Unless otherwise indicated, the objections were made upon accession or succession.)

BELGIUM

[See chapter V.2.]

ETHIOPIA

[See chapter V.2.]

FRANCE

[See chapter V.2.]

GERMANY⁸

[See chapter V.2.]

ITALY

[See chapter V.2.]

LUXEMBOURG

[See chapter V.2.]

NETHERLANDS

[See chapter V.2.]

Territorial Application

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
Netherlands ⁴	29 Jul 1971	Suriname
United Kingdom of Great Britain and Northern Ireland ^{4,15}	20 Apr 1970	Bahama Islands
	20 Feb 1996	Jersey

Notes:

¹ *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 1A (E/4264/Add.1), p. 1.*

² *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316), p. 48.*

³ With the following declaration: "The Government of Australia will not extend the provisions of the Protocol to Papua/New Guinea."

⁴ In accordance with article VII (4) of the Protocol,

declarations made under article 40, paragraphs 1 and 2, of the Convention (territorial application) by a State Party thereto which accedes to the Protocol shall be deemed to apply in respect of the Protocol, unless upon accession a notification to the contrary is addressed by the State Party to the Secretary-General. See Chapter V-2.

⁵ The former Yugoslavia had acceded to the Protocol on 15 January 1968. See also note 1 under “Bosnia and Herzegovina”, “Croatia”, “former Yugoslavia”, “Slovenia”, “The Former Yugoslav Republic of Macedonia” and “Yugoslavia” in the “Historical Information” section in the front matter of this volume.

⁶ On 27 April 1999, the Government of Portugal informed the Secretary-General that the Protocol would apply to Macao. Subsequently, on 18 November and 3 December 1999, the Secretary-General received communications concerning the status of Macao from the Governments of Portugal and China (see also note 3 under “China” and note 1 under “Portugal” regarding Macao in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Macao Special Administrative Region.

⁷ Czechoslovakia had acceded to the Protocol on 26 November 1991. See also note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

⁸ The German Democratic Republic had acceded to the Protocol on 4 September 1990. See also note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

⁹ See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

¹⁰ The Kingdom of the Netherlands accedes to the said Protocol so far as the territory of the Kingdom situated in Europe is concerned; and, as from 1 January 1986, for Aruba.

22 June 2011

Subsequently, following a modification of the internal constitutional relations within the Kingdom of the Netherlands (see note 2 under “Netherlands” in Historical Information), effective 22 June 2011, the Protocol applies to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba).

¹¹ Upon notifying its succession (29 November 1978) the Government of Suriname informed the Secretary-General that the Republic of Suriname did not succeed to the reservations formulated on 29 July 1951 by the Netherlands when the Convention and Protocol relating to the Status of Refugees were extended to Suriname.

¹² The formality was effected by the Yemen Arab Republic. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

¹³ In a communication received on 26 April 2007, the Government of the Republic of Guatemala notified the Secretary-General that it has decided to withdraw the reservation and declaration made upon accession to the Convention. The text of the reservation and declaration withdrawn reads as follows:

The Republic of Guatemala accedes to the Convention relating to the Status of Refugees and its Protocol, with the reservation that it will not apply provisions of those instruments in respect of which the Convention allows reservations if those provisions contravene constitutional precepts in Guatemala or norms of public order under domestic law.

The expression “treatment as favourable as possible” in all articles of the Convention and of the Protocol in which the expression is used should be interpreted as not including rights which, under law or treaty, the Republic of Guatemala has accorded or is according to nationals of the Central American countries or of other countries with which it has concluded or is entering into agreements of a regional nature.

¹⁴ In a communication received on 1 September 2009, the Government of the Republic of Korea notified the Secretary-General that it has decided to withdraw the reservation in respect to article 7 made upon accession to the Convention as of 8 September 2009. The text of the reservation withdrawn reads as follows:

“The Republic of Korea declares pursuant to article 7 of the Protocol that it is not bound by article 7 of the Convention relating to the Status of Refugees, which provides for the exemption of refugees from legislative reciprocity after fulfilling the condition of three years’ residence in the territory of the Contracting States.”

¹⁵ Subject to the reservation which was formulated on behalf of the Bahama Islands in respect of the Convention relating to the Status of Refugees.