

CONTENTS

	Page Nos.
I. Background	1-2
II. Issues for focused consideration at the Forty-Sixth Session	2-2
III. Introduction	2-3
IV. International Refugee Protection Regime	4-5
V. Some problems in the International Refugee Protection Regime	5-7
VI. Regional Instruments on Refugee Protection	7-8
VII. Role of UNHCR	9-10
 ANNEX I: States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol	 11-15
ANNEX II: AALCO Member States parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol	 16-16

THE STATUS AND TREATMENT OF REFUGEES

I. Background

1. The question of the Status and Treatment of refugees was first taken up by the Asian-African Legal Consultative Organization (AALCO) in the year 1964, on a reference made by the Arab Republic of Egypt. Ever since, it has been a keenly debated item at the subsequent Sessions of the Organization. In its endeavour to proceed with this topic the Office of the United Nations High Commissioner for Refugees (UNHCR) has been an active partner and the cooperative agreement that existed between the AALCO and UNHCR, since 1964, was formalized by the Signing of a Memorandum of Understanding (MOU) between the two Organizations on 23 May 2002¹. The MOU, besides providing for exchange of documentation and mutual representation also envisages undertaking jointly, preparation of studies and holding of seminars and workshops on topics of mutual interest and concern.

2. In order to provide a birds eye view of how AALCO has dealt with the topic, it is necessary to recall briefly that, at its Eighth Session held in Bangkok in 1966, it adopted a set of Principles concerning the Treatment of Refugees, commonly known as “The Bangkok Principles”. Further study improved upon the principles, by adopting two addendum. The first was adopted at its Eleventh Session held in Accra, in 1970, which contained an elaboration of the ‘right to return’, of any person who because of foreign domination, external aggression or occupation has left his habitual place of residence. Furthermore, at its Twenty-Sixth Session held in Bangkok, in 1987 it adopted the ‘Burden Sharing Principles’, as addendum II to the 1966 Bangkok Principles. This burden sharing principle has highlighted the growing trend towards finding durable solutions to the refugee problems and for international assistance to relieve the burden of States faced with large-scale influx of refugees.

3. These Principles provided a legal framework, which while ‘recommendatory in nature’ nevertheless formed the ‘cornerstone’ of the State practice in the Asian-African region, in dealing with the refugee problem. The African region is however, better equipped in laws, with the addition of the 1969 OAU Convention on Governing the Specific aspects of the Refugee Problems in Africa. The Leader of Delegation of Kenya, highlighted this fact during the Forty-Fifth Headquarters Session, held in New Delhi from 3-8 April 2006, wherein he had stated that his country had borne the ‘greatest humanitarian burden as a refugee hosting country and continued to fulfil its international obligations’.

4. Apart from the adoption of the 2001 Revised Text of the Bangkok Principles, two other important initiatives of AALCO related to the refugee item over the years were, the

¹ The MOU was signed by Mr. Rudd Lubbers the then High Commissioner for Refugees and Amb. Dr. Wafik Zaher Kamil, Secretary-General of AALCO.

preparation of ‘Model Legislation on Refugees’ and the ‘Concept of Establishment of Safety Zones for Internally Displaced Persons’.

5. At the AALCO’s Forty-Third session held in Bali in 2004, the resolution adopted on the item (RES/43/S 3) appreciated the efforts of the Secretary-General in successfully holding a two-day seminar in cooperation with UNHCR on the topic “*Strengthening Refugee Protection in Migratory Movements*” on 17 and 18 October 2003 in New Delhi. The seminar discussion revolved around migration and refugee protection in the Asian African context, durable solutions and root causes, and international burden and responsibility sharing.

6. As a follow-up to the seminar, AALCO proposed an in-depth study on the topic of “*Statelessness: An Overview from the African, Asian and Middle Eastern Perspective*”. During the Forty-Fifth Session, held in April 2006, a highly enriching and fruitful half-day Special Meeting in collaboration of the UNHCR on the topic “*Legal Identity and Statelessness*” took place². The above-mentioned study is likely to be released in the ensuing Forty-Sixth Session.

7. The present study focuses on the global refugee problem as it stands today.

II. Issues for focused consideration at the Forty-Sixth Session

- (i) *The international regime on refugee protection and its shortcomings;*
- (ii) *The differences that exist between the universal legal regime and regional legal structure on the protection of refugees;*
- (iii) *The need to (if at all) make a distinction between political refugees and economic migrants, in the wake of the mixed flow of migratory movements;*
- (iv) *Notwithstanding the dichotomy between the political refugees and economic migrants, whether the 1951 Convention is capable of accommodating the deprivation of socio-economic needs? and;*
- (v) *Possible solutions to the refugee problems and their feasibility.*

III. Introduction

8. International refugee protection is as necessary today, as it was when the 1951 Convention Relating to the Status of Refugees (the 1951 Convention) was adopted more than 50 years ago. Since the end of the cold war, simmering tensions of an inter-ethnic nature, often exploited by populist politicians, have erupted into conflict and strife. Communities, which lived together for generations, have been separated and millions of people displaced, whether in the former Yugoslavia, the Great Lakes, the Caucasus or Afghanistan. The deliberate targeting of civilians and their enforced plight, have not only represented methods of warfare but have also become the very objectives of the conflict. Clearly this forced displacement is for reasons, which fall squarely within the 1951

² For the Verbatim record of the special meeting see the Verbatim Record of Discussions, Forty-Fifth Session, 3-8 April 2006, New Delhi, India AALCO/45/New Delhi (HQ)/2006/VR

Convention refugee definition. Yet, States in some regions have often been reluctant to acknowledge this at the outset of the crisis and have developed *ad hoc* discretionary responses instead.

9. There are also many outstanding refugee situations resulting from conflicts, which have not been resolved with the ending of the cold war and have taken on a life of their own. Endemic instability and insecurity often accompany displacement within and from failed States. The displacement resulting from some situations can pose particular problems to host States, especially if they provide asylum to large refugee communities. Sometimes for decades there is thus a real challenge as to how best to share responsibilities so as to ease the burden on any one State unable to shoulder it entirely. Xenophobia and intolerance towards foreigners and in particular towards refugees and asylum seekers have increased in recent years and present a major problem. To put it differently, refugees are everywhere – a by-product of every crisis, be it war, structural global inequality or human rights violations.

10. This challenge was echoed by **the United Nations High Commissioner for Refugees, Mr. Antonio Guterres**, and former Prime Minister of Portugal very recently.³ In an interview⁴, he stated that in the 21st century, the movement of populations would be one of the key issues, which includes a mixed flow which consists of not only those who are in need of protection but also who are economic migrants. He mentioned that though countries have the right to manage their own borders and define their own migration policies, people who are in need of physical protection should be granted access to asylum mechanisms and fair treatment of their claims. He also went on to add, that the increasing intolerance towards asylum seekers and refugees, in certain societies pose not only a threat to refugees, but also to the social cohesion of these societies itself. On the other hand, while referring to the massive displacement in Iraq, he commended the traditional Arab hospitality of those countries around Iraq in dealing with the refugee situation.

11. International efforts to improve refugee assistance and protection have been aided in recent years by the easing of some of the acute displacement crisis that dominated the 1990's. Further, there have been breakthroughs in the resolution of a number of long-running conflicts, allowing many refugees to return to their countries of origin. As a result, the global population of refugees of concern to UNHCR has declined in recent years from nearly 18 million in 1992, to just over 9 million in 2004. This fact has been reported by UNHCR in its report entitled "**The Status of World Refugees, 2006**".

12. After portraying the plight of refugees as prevailing in different parts of the world, let us now proceed to analyse the international refugee protection regime established at the end of the Second World War.

³ The High Commissioner was in New Delhi in December 2006 on invitation from the Government of India.

⁴ In an interview Published in the Hindu, on 14 December 2006.

IV. International Refugee Protection Regime

13. The end of the Second World War saw the displacement of millions of people and this led to the adoption of the “1951 Convention Relating to the Status of Refugees”, at the initiative of the United Nations Commission on Human Rights and other United Nations bodies. The 1951 Convention and its sister instrument the 1967 Protocol, which seeks to do away with the former’s temporal and geographical limitations, are the modern legal embodiment of the ancient and universal tradition of providing sanctuary to those at risk and in danger. Both these instruments reflect a fundamental human value on which global consensus exists, and are the first and only global instruments, at the global level, which specifically regulate the treatment of those, ‘who are compelled to leave their homes because of well-founded fear of being persecuted’ in their home. The 1951 Convention has many achievements to its credit.

14. Firstly, it contains a general definition of the term “refugee”. Article 1 (2) (A) of the 1951 Convention states that, the term refugee shall apply to any person who “...as a result of events occurring before January 1, 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country; or who, not having nationality and being outside the country of his former habitual residence as a result of such events, is unable or owing to such fear is unwilling to return to it.”

15. A distinguishing feature of this definition is that, refugees are people who have crossed an international border, and are therefore to be differentiated from internally displaced persons (IDPs), who according to the international law principles, of sovereignty and non-intervention, are the concern of the States of which, they are nationals. In other words, unlike an IDP, once a person is recognized as, a refugee under the terms of the 1951 Convention, he is entitled to certain rights and obligations that it confers.

16. Secondly, the 1951 Convention incorporates the principle of *non-refoulement*, Article 33 of the 1951 Convention which codifies this principle dictates that, “no State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened”. This cardinal principle of refugee law has come to be incorporated in other international legal instruments. For example, Article 3 of the Convention against Torture, 1984, speaks about that principle. It is widely accepted that this principle has attained the status of customary law, which means that even those States, which are not Party to the 1951 Convention, must respect it. It also needs to be underlined that the application of this principle is independent of any formal determination of refugee status by a State or an international organization.

17. Despite the well-established status of the principle of *non-refoulement*, recent years have seen many instances in which asylum seekers have been rejected at the border or forcibly removed to countries where their safety cannot be assured.

18. It is to be remembered here that the principle of *non-refoulement*, only requires admission to safety and exemption from forcible return. It does not recognise an individual's right to be given asylum. However, the benefit of the principle of *non-refoulement* is not available to a refugee, who is regarded as a danger to security of the country in which he is present.

19. Thirdly, the 1951 Convention outlines the minimum standard of treatment of refugees including the basic rights to which they are entitled. They include: the right to seek asylum in a Country outside the Country of origin which has agreed to be bound by the 1951 Convention; the right not to be discriminated against or penalized because they are a refugee; the right to equal access to the Courts; freedom of religion and movement; the right to education and employment and access to travel documents.

20. In respect of many of these rights refugees are supposed to receive the same treatment as nationals in the country of residence. Article 31 of the 1951 Convention. prohibits penalizing asylum seekers, based on the manner of their arrival into the country from which they are seeking protection, (the principle of immunity).

21. Fourthly, the 1951 Convention also embodies provisions, regarding the issue of identity and travel documents, naturalization and other administrative matters.

22. Finally, the 1951 Convention, *vide* Article 35, requires Contracting States to co-operate with the Office of the United Nations High Commissioner for Refugees in the exercise of its functions, in particular to facilitate its duty of supervising the application of its provisions.

V. Some Problems in the International Refugee Protection Regime

23. Firstly, despite objections from the third world countries, the scope of the 1951 Convention was confined to events occurring before 1951, and further States were given the option to further limit the scope of these events to Europe. In other words, the 1951 Convention as originally evolved, was not concerned with non-European refugees. It totally ignored the fact that these were people outside Europe who were also in need of legal protection either then or in the future. This limitation was removed by the Protocol on the Status of Refugees of 1967, which prospectively removed the temporal and geographical limitations of the 1951 Convention. But there was no attempt to reconsider the definition of the term "refugee". What this actually meant was, that the third world refugees remained *de facto* excluded from this definition, since their flight is frequently caused by natural disaster, war or political and economic turmoil rather than by "persecution" at least as that term understood in the western context.

24. Secondly, the definition of refugee confined protection to those who feared persecution because of their civil and political as opposed to their socio-economic status. This definition, as has been well pointed out is based on a fractured and prejudiced view of what constitute human rights. Unfortunately, even today, as **Prof. Goodwin Gill** has pointed out there is no adequate recognition of the inherent connections between civil and

political rights and economic, social and cultural rights and third generation rights including peace and development.

25. As has been remarked by **Prof. James Hathaway** by mandating protection for those whose civil and political rights are jeopardized without at the same time protecting persons whose socio-economic rights are at risk, the 1951 Convention continues the lopsided and politically biased human rights rationale for refugee law of the immediate post-war years. In other words, not only the individual human being but also the social forces and their interactions should become the subject of enquiry.

26. Thirdly, the 1951 Convention was drafted with the individual asylum seeker in mind. It does not quite deal with a situation of mass influx of asylum seekers who could either preclude formal determination of refugee status or/and exclude a lasting solution. Moreover, the asylum seeker may include those who fall within the broader definition of “refugee” as contained in other regional instruments as will be seen later. Though asylum seeker has no formal place in the 1951 Convention, the practice of States indeed recognises him as enjoying a measure of presumptive protection. Hence, the benefit of *non-refoulement* is extended to the claimant for asylum, pending a final decision on merits of the claim. It is pertinent here to remember Conclusion No. 22 of the Executive Committee of UNHCR adopted in the year 1981 which dealt with the provision of ‘protection of asylum seekers in situations of large scale influx’, while insisting on the provisions of temporary refuge through the act of admission, it noted that:

1. In situations of large scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them at least on a temporary basis...they should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.
2. In all cases the fundamental principle of *non-refoulement* at the frontier must be scrupulously observed.

27. It is to be remembered here that modern migratory trends are extremely complex and contain a mix of economic migrants, genuine refugees and others. Governments face an uphill task in separating the various groupings and treating genuine refugees in an appropriate manner through established and fair asylum procedures. An economic migrant generally leaves a country voluntarily to seek a better life. As opposed to this refugees flee because of the threat of persecution on account of reasons found in the 1951 Convention and cannot return safely to their homes. In other words, a refugee is a clearly defined category of persons in international law, whereas the economic migrants are those who use the asylum channels to seek economic betterment. The need to make this clear distinction was aptly summed up by the **former High Commissioner for Refugees Mr. Rudd Lubbers**, who remarked that because many European Governments have failed to accurately differentiate between the two categories the result is that “*just about everybody ends up with being treated with suspicion*”.

28. Fourthly, since the mid 1980's a number of countries of asylum have increasingly used concepts like, 'inter flight alternative' or 'protection alternative' to deny refugee status to claimants who do not have a well-founded fear of persecution throughout the country of origin. In other words, according to this principle an asylum seeker who could have sought refuge in another part of his/her home country can be sent back without violating non-refoulement obligations. This has considerably undermined the international refugee protection regime.

29. Finally, the developed countries of the North have been taking a host of restrictive measures in order to stem the flow of refugees. These include the introduction of visa requirements for national of specific countries, the imposition of sanctions on airlines transporting improperly documented persons including refugees and asylum seekers.

30. The implication of these restrictive measures and attitudes towards refugees and refugee protection remains obvious.

VI. Regional Instruments on Refugee Protection

31. Regional instruments constitute another important structure of refugee protection. In **1969 the Organization of African Unity (OAU) adopted a Convention Governing the Specific Aspects of refugee Problems in Africa**, which came into force in 1974. It was the first regional arrangement concerned with the protection of refugees and arrived at in the background of on-going anti-colonial struggles. The Convention had many salient features.

32. Firstly, it expanded the definition of the term "refugee" as contained in the 1951 Convention to meet specific aspects of refugee problems in Africa. It defines the term 'refugee' to include person's fleeing their country of origin due to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole country of origin or nationality. This addition implies a move away from the 1951 Convention's 'well-founded fear' of persecution standard, stressing that refugees included persons fleeing civil disturbances, violence and war irrespective of whether or not they have a well-founded fear of persecution.

33. The terminology utilized in the refugee definition of the OAU Convention which reflected the urgency of responding to the African reality, established an important precedent in international law. The new terminology responded to the obvious humanitarian concerns and sought to provide a practical solution to the problems of determining refugee status.

34. Secondly, the principle of *non-refoulement* received a broader interpretation in the instrument. Article II (3) talks about non-rejection at the frontier, the absence of which phrase has allowed developed States to enforce a number of restrictive measures at the border without being found in strict violation of the 1951 Convention.

35. For instance, in *Sale vs Haitian Centre Council* (113 S. ct 2549 1993) the U.S. Supreme Court decided that the act of interdicting Haitian refugees on high seas and returning them to their country of origin irrespective of the claims to having a well-founded fear of persecution was not violative of Article 33 of the 1951 Convention.

36. In other words, the phraseology, 'non-rejection at the frontier' makes sure that, the principle of *non-refoulement* could not be interpreted in a extremely narrow manner as was the case in the above mentioned case.

37. Thirdly, in contrast to the 1951 Convention, the OAU Convention emphasizes the actual grant of asylum. Article II entitled asylum calls upon States to use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees.

38. Fourthly, it is the only international instrument to contain a provision on voluntary repatriation, the preferred solution to the refugee problem. Article V entitled 'voluntary repatriation' emphasises the essentially voluntary character of repatriation and the obligations placed on the country of origin to facilitate the resettlement of refugees who return.

39. Fifthly, it contains an explicit provision articulating the principle of 'burden sharing'. Article II (4) inter alia states:...the Members shall in the spirit of African Solidarity and international cooperation take appropriate measures to lighten the burden of Member States granting asylum. This principle of burden sharing is of utmost importance today at a time when the countries of North are unwilling to share the financial burden of the peer countries hosting refugees.

40. **The Cartagena Declaration:** There is no other regional Convention comparable to the OAU Convention. However, in 1984, the UNHCR convened a colloquium of Government representatives and distinguished Latin American jurists, which met in Cartagena, Columbia and adopted a "Declaration of Refugees" , popularly known as the Cartagena Declaration.

41. This declaration recommends a definition similar to the one contained in the OAU Convention. It calls for consideration of the objective situation in the country of origin and the particular situation of the person or groups of persons seeking protection as refugees. It requires two conditions to be met to be declared a refugee: that there exists threat to life, security or liberty; and that the threat results from factors like, generalized violence, foreign aggression, internal conflicts, massive violations of human rights, or circumstances seriously disturbing public order. The far-reaching phrases such as, generalized violence etc constitute the most expansive language so far used to define refugees, go further even than the language used in the OAU Convention.

VII. The Role of UNHCR

42. The UNHCR was set up in 1951 by the UN General Assembly with the mandate of providing 'international protection' and seeking 'permanent solutions' to the problems of refugees by way of voluntary repatriation or assimilation in the new communities. The States setting up the 'office' provided expressly that 'the work of the High Commissioner shall be of an entirely non-political character'. It also clarifies that, the UNHCR acts 'under the authority of the General Assembly', that it shall follow the directives given by (General Assembly or the Economic and Social Council' and that it shall engage in such additional activities, including repatriation and resettlement as the General Assembly may determine.

43. The definition of who is a refugee, as found in the 'Statute' is similar to the one found in the 1951 Convention. However, in the definition, in the latter, the competence *ratio persone* of the High Commissioner is not limited by any dateline or geographic restrictions. The policy matter within the UNHCR is shaped by the Executive Committee which consists of 70 Member States and which adopts 'Conclusions' that highlight and guide the office in the work.

44. The notion of 'persons of concern' in the Statute of the office of UNHCR adopted by UNGA in 1950 is similar to the refugee definition contained in the 1951 Convention. However, in response to the dramatic evolution of the refugee situations the UNGA, through a series of resolutions gave the High Commissioner competence for refugees not falling under the statutory definition. Thus the UNGA required the UNHCR to undertake 'responsibilities for protecting and assisting ' persons belonging to a broader category. This broader competence of UNHCR refers to persons who, even though they may not have well founded fear of persecution, find themselves in a 'refugee-like situation'. Moreover Article 35 (1) of the 1951 Convention provides for the cooperation between the Parties to the Convention and UNHCR. Together with the Statue of the Office of the High Commissioner of 1950, this provision forms the basis for the common efforts made by the States and UNHCR on behalf of Refugees. The 1969 OAU Convention requires Member States to cooperate similarly, while declaring itself to be the 'effective regional compliment in Africa of the 1951 Convention. The office of UNHCR also of late, been asked to come to the assistance of IDPs in certain limited circumstances.

45. In 2001 the UNHCR initiated the '**Global Consultations on International Protection**'. This process evolved around three 'tracks' with the overall objective of reinvigorating the refugee- protection framework. The first track sought to strengthen the commitment of States to respect the centrality of the 1951 Convention and its 1967 Protocol in the international refugee protection system. The second track provided a forum to take stock of developments in refugee law and to clarify the disputed notions through a series of expert discussions on the interpretations of the Convention and its Protocol. The third track was structured around a number of protection policy matters to address contemporary challenges.

46. The commitment to refugee protection and the relevance of the 1951 Convention and its 1967 Protocol were reaffirmed in December 2001 at the end of the first track of the

Global Consultations by the adoption of the “Declaration of State Parties to the 1951 Convention and/or its 1967 Protocol relating to the status of refugees”. Following the consultations and in order to provide for the implementation of the 2001 Declaration the ‘Agenda for Protection’ was adopted to guide action by UNHCR, States, NGOs and other partners. Since the conclusion of this new efforts have been made to mobilise support for asylum and refugee protection at the regional level. For instance, in 2003 a Memorandum was signed by UNHCR and the ‘African Commission on Human and People’s Rights’ aimed at strengthening the cooperation between the Parties in order to promote and protect more effectively the human rights of refugees, asylum seekers, returnees and other ‘Persons of Concern’.

47. Another recent initiative is the **“Regional Parliamentary Conference on Refugees in Africa: The Challenges of Protection and Solution”** held in Cotonou (Benin) in 2004. This Conference was attended by Parliamentarians of 26 African Countries and adopted a ‘Declaration and a Programme of Action’.

48. In the Latin American context, representatives of 18 Countries in the region gathered at Mexico in 2004 to commemorate the 20th Anniversary of the adoption of the Cartagena Declaration on Refugees. It resulted in the adoption of the **‘Mexico Declaration’** and ‘Plan of Action’ to strengthen the international protection of refugees in Latin America.

Annex I

I. States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol

Date of entry into force:
22 April 1954 (Convention)
4 October 1967 (Protocol)

As of 1 March 2006

Total number of States Parties to the 1951 Convention:	143
Total number of States Parties to the 1967 Protocol:	143
States Parties to both the Convention and Protocol:	140
States Parties to one or both of these instruments:	146

States Parties to the 1951 Convention only:

Madagascar, Monaco, Saint Kitts and Nevis

States Parties to the 1967 Protocol only:

Cape Verde, United States of America, Venezuela

The Convention was adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held at Geneva from 2 to 25 July 1951. The Conference was convened pursuant to resolution 429 (V) 1, adopted by the General Assembly of the United Nations on 14 December 1950.

The dates indicated are the dates of deposit of the instrument of ratification or accession by the respective States Parties with the Secretary-General of the United Nations in New York. In accordance with article 43(2), the Convention enters into force on the ninetieth day after the date of deposit. The Protocol enters into force on the date of deposit (article VIII (2)). Exceptions are indicated below.

Most recent ratification:

Afghanistan	30 Aug 2005	a	30 Aug 2005	a
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Country	Convention		Protocol	
Albania	18 Aug 1992	a	18 Aug 1992	a
Algeria	21 Feb 1963	s	08 Nov 1967	a
Angola	23 Jun 1981	a	23 Jun 1981	a
Antigua and Barbuda	07 Sep 1995	a	07 Sep 1995	a
Argentina	15 Nov 1961	a	06 Dec 1967	a
Armenia	06 Jul 1993	a	06 Jul 1993	a
Australia	22 Jan 1954	a	13 Dec 1973	a
Austria	01 Nov 1954	r	05 Sep 1973	a
Azerbaijan	12 Feb 1993	a	12 Feb 1993	a
Bahamas	15 Sep 1993	a	15 Sep 1993	a

Belarus	23 Aug 2001	a	23 Aug 2001	a
Belgium	22 Jul 1953	r	08 Apr 1969	a
Belize	27 Jun 1990	a	27 Jun 1990	a
Benin	04 Apr 1962	s	06 Jul 1970	a
Bolivia	09 Feb 1982	a	09 Feb 1982	a
Bosnia and Herzegovina	01 Sep 1993	s	01 Sep 1993	s
Botswana	06 Jan 1969	a	06 Jan 1969	a
Brazil	16 Nov 1960	r	07 Apr 1972	a
Bulgaria	12 May 1993	a	12 May 1993	a
Burkina Faso	18 Jun 1980	a	18 Jun 1980	a
Burundi	19 Jul 1963	a	15 Mar 1971	a
Cambodia	15 Oct 1992	a	15 Oct 1992	a
Cameroon	23 Oct 1961	s	19 Sep 1967	a
Canada	04 Jun 1969	a	04 Jun 1969	a
Cape Verde (P)			09 Jul 1987	a
Central African Republic	04 Sep 1962	s	30 Aug 1967	a
Chad	19 Aug 1981	a	19 Aug 1981	a
Chile	28 Jan 1972	a	27 Apr 1972	a
China	24 Sep 1982	a	24 Sep 1982	a
Colombia	10 Oct 1961	r	04 Mar 1980	a
Congo	15 Oct 1962	s	10 Jul 1970	a
Congo, Democratic Republic of	19 July 1965	a	13 Jan 1975	a
Costa Rica	28 Mar 1978	a	28 Mar 1978	a
Côte d'Ivoire	08 Dec 1961	s	16 Feb 1970	a
Croatia	12 Oct 1992	s	12 Oct 1992	s
Cyprus	16 May 1963	s	09 Jul 1968	a
Czech Republic	11 May 1993	s	11 May 1993	s
Denmark	04 Dec 1952	r	29 Jan 1968	a
Djibouti	09 Aug 1977	s	09 Aug 1977	s
Dominica	17 Feb 1994	a	17 Feb 1994	a
Dominican Republic	04 Jan 1978	a	04 Jan 1978	a
Ecuador	17 Aug 1955	a	06 Mar 1969	a
Egypt	22 May 1981	a	22 May 1981	a
El Salvador	28 Apr 1983	a	28 Apr 1983	a
Equatorial Guinea	07 Feb 1986	a	07 Feb 1986	a
Estonia	10 Apr 1997	a	10 Apr 1997	a
Ethiopia	10 Nov 1969	a	10 Nov 1969	a
Fiji	12 Jun 1972	s	12 Jun 1972	s
Finland	10 Oct 1968	a	10 Oct 1968	a
France	23 Jun 1954	r	03 Feb 1971	a
Gabon	27 Apr 1964	a	28 Aug 1973	a
Gambia	07 Sep 1966	s	29 Sep 1967	a
Georgia	09 Aug 1999	a	09 Aug 1999	a
Germany	01 Dec 1953	r	05 Nov 1969	a
Ghana	18 Mar 1963	a	30 Aug 1968	a
Greece	05 Apr 1960	r	07 Aug 1968	a

Guatemala	22 Sep 1983	a	22 Sep 1983	a
Guinea	28 Dec 1965	s	16 May 1968	a
Guinea-Bissau	11 Feb 1976	a	11 Feb 1976	a
Haiti	25 Sep 1984	a	25 Sep 1984	a
Holy See	15 Mar 1956	r	08 Jun 1967	a
Honduras	23 Mar 1992	a	23 Mar 1992	a
Hungary	14 Mar 1989	a	14 Mar 1989	a
Iceland	30 Nov 1955	a	26 Apr 1968	a
Iran, Islamic Republic of	28 Jul 1976	a	28 Jul 1976	a
Ireland	29 Nov 1956	a	06 Nov 1968	a
Israel	01 Oct 1954	r	14 Jun 1968	a
Italy	15 Nov 1954	r	26 Jan 1972	a
Jamaica	30 Jul 1964	s	30 Oct 1980	a
Japan	03 Oct 1981	a	01 Jan 1982	a
Kazakhstan	15 Jan 1999	a	15 Jan 1999	a
Kenya	16 May 1966	a	13 Nov 1981	a
Kyrgyzstan	08 Oct 1996	a	08 Oct 1996	a
Korea, Republic of	03 Dec 1992	a	03 Dec 1992	a
Latvia	31 Jul 1997	a	31 Jul 1997	a
Lesotho	14 May 1981	a	14 May 1981	a
Liberia	15 Oct 1964	a	27 Feb 1980	a
Liechtenstein	08 Mar 1957	r	20 May 1968	a
Lithuania	28 Apr 1997	a	28 Apr 1997	a
Luxembourg	23 Jul 1953	r	22 Apr 1971	a
Macedonia, The Former Yugoslav Republic of	18 Jan 1994	s	18 Jan 1994	s
Madagascar (C)	18 Dec 1967	a		
Malawi	10 Dec 1987	a	10 Dec 1987	a
Mali	02 Feb 1973	s	02 Feb 1973	a
Malta	17 Jun 1971	a	15 Sep 1971	a
Mauritania	05 May 1987	a	05 May 1987	a
Mexico	07 June 2000	a	07 June 2000	a
Moldova, Republic of	31 Jan 2002	a	31 Jan 2002	a
Monaco (C)	18 May 1954	a		
Morocco	07 Nov 1956	s	20 Apr 1971	a
Mozambique	16 Dec 1983	a	01 May 1989	a
Namibia	17 Feb 1995	a	17 Feb 1995	a
Netherlands	03 May 1956	r	29 Nov 1968	a
New Zealand	30 Jun 1960	a	06 Aug 1973	a
Nicaragua	28 Mar 1980	a	28 Mar 1980	a
Niger	25 Aug 1961	s	02 Feb 1970	a
Nigeria	23 Oct 1967	a	02 May 1968	a
Norway	23 Mar 1953	r	28 Nov 1967	a
Panama	02 Aug 1978	a	02 Aug 1978	a
Papua New Guinea	17 Jul 1986	a	17 Jul 1986	a
Paraguay	01 Apr 1970	a	01 Apr 1970	a
Peru	21 Dec 1964	a	15 Sep 1983	a

Philippines	22 Jul 1981	a	22 Jul 1981	a
Poland	27 Sep 1991	a	27 Sep 1991	a
Portugal	22 Dec 1960	a	13 Jul 1976	a
Romania	07 Aug 1991	a	07 Aug 1991	a
Russian Federation	02 Feb 1993	a	02 Feb 1993	a
Rwanda	03 Jan 1980	a	03 Jan 1980	a
Saint Kitts and Nevis (C)	01 Feb 2002	a		
Saint Vincent and the Grenadines	03 Nov 1993	a	03 Nov 2003	a
Samoa	21 Sep 1988	a	29 Nov 1994	a
Sao Tome and Principe	01 Feb 1978	a	01 Feb 1978	a
Senegal	02 May 1963	s	03 Oct 1967	a
Serbia and Montenegro ***	12 Mar 2001	s	12 Mar 2001	s
Seychelles	23 Apr 1980	a	23 Apr 1980	a
Sierra Leone	22 May 1981	a	22 May 1981	a
Slovakia	04 Feb 1993	s	04 Feb 1993	s
Slovenia	06 Jul 1992	s	06 Jul 1992	s
Solomon Islands	28 Feb 1995	a	12 Apr 1995	a
Somalia	10 Oct 1978	a	10 Oct 1978	a
South Africa	12 Jan 1996	a	12 Jan 1996	a
Spain	14 Aug 1978	a	14 Aug 1978	a
Sudan	22 Feb 1974	a	23 May 1974	a
Suriname	29 Nov 1978	s	29 Nov 1978	s
Swaziland	14 Feb 2000	a	28 Jan 1969	a
Sweden	26 Oct 1954	r	04 Oct 1967	a
Switzerland	21 Jan 1955	r	20 May 1968	a
Tajikistan	07 Dec 1993	a	07 Dec 1993	a
Tanzania, United Republic of	12 May 1964	a	04 Sep 1968	a
Timor-Leste	07 May 2003	a	07 May 2003	a
Togo	27 Feb 1962	s	01 Dec 1969	a
Trinidad and Tobago	10 Nov 2000	a	10 Nov 2000	a
Tunisia	24 Oct 1957	s	16 Oct 1968	a
Turkey	30 Mar 1962	r	31 Jul 1968	a
Turkmenistan	02 Mar 1998	a	2 Mar 1998	a
Tuvalu	07 Mar 1986	s	07 Mar 1986	s
Uganda	27 Sep 1976	a	27 Sep 1976	a
Ukraine	10 Jun 2002	a	04 Apr 2002	a
United Kingdom of Great Britain and Northern Ireland	11 Mar 1954	r	04 Sep 1968	a
United States of America (P)			01 Nov 1968	a
Uruguay	22 Sep 1970	a	22 Sep 1970	a
Venezuela (P)			19 Sep 1986	a
Yemen	18 Jan 1980	a	18 Jan 1980	a
Zambia	24 Sep 1969	s	24 Sep 1969	a
Zimbabwe	25 Aug 1981	a	25 Aug 1981	a

Limitations:

Article 1 B(1) of the 1951 Convention provides: “For the purposes of this Convention, the words ‘events occurring before 1 January 1951’ in article 1, Section A, shall be understood to mean either (a) ‘events occurring in Europe before 1 January 1951’; or (b) ‘events occurring in Europe or 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 purposes of its obligations under this Convention.”

The following States adopted alternative (a), the geographical limitation: Congo, Madagascar, Monaco, Turkey. Turkey expressly maintained its declaration of geographical limitation upon acceding to the 1967 Protocol. Madagascar and Monaco have not yet adhered to the Protocol.

All other States Parties ratified, acceded or succeeded to the Convention without a geographical limitation by selecting option (b), ‘events occurring in Europe or elsewhere before 1 January 1951’.

Notes:

* Ratification (r), Accession (a), Succession (s)

** (C) denotes States Parties to the 1951 Convention only; (P) denotes States Parties to the 1967 Protocol only.

*** As of 4 February 2003, following the adoption and promulgation of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia, the official name of “The Federal Republic of Yugoslavia” has been changed to “Serbia and Montenegro”.

Annex II

AALCO Member States parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol

Country	1951 Convention	1967 Protocol
Botswana	06 Jan 1969 a	06 Jan 1969 a
Cameroon	23 Oct 1961 s	19 Sep 1967 a
China	24 Sep 1982 a	24 Sep 1982 a
Cyprus	16 May 1963 s	09 Jul 1968 a
Egypt, Arab Republic of	22 May 1981 a	22 May 1981 a
Gambia	07 Sep 1966 s	29 Sep 1967 a
Ghana	18 Mar 1963 a	30 Aug 1968 a
Iran, Islamic Republic of	28 Jul 1976 a	28 Jul 1976 a
Japan	03 Oct 1981 a	01 Jan 1982 a
Kenya	16 May 1966 a	13 Nov 1981 a
Nigeria	23 Oct 1967 a	02 May 1968 a
Philippines	22 Jul 1981 a	22 Jul 1981 a
Senegal	02 May 1963 s	03 Oct 1967 a
Sierra Leone	22 May 1981 a	22 May 1981 a
Somalia	10 Oct 1978 a	10 Oct 1978 a
South Africa	12 Jan 1996 a	12 Jan 1996 a
Sudan	22 Feb 1974 a	23 May 1974 a
Tanzania, United Republic of	12 May 1964 a	04 Sep 1968 a
Turkey	30 Mar 1962 r	31 Jul 1968 a
Uganda	27 Sep 1976 a	27 Sep 1976 a
Yemen	18 Jan 1980 a	18 Jan 1980 a