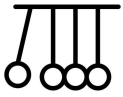


TURKEY'S UNHEARD VOICES

# **The 1951 Refugee Convention and Its Effectiveness on Refugee Rights**

**LAW**

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## Abstract

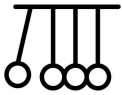
The 1951 Refugee Convention, originally titled “*The Convention Relating to the Status of Refugees*,” laid the foundation of international refugee law. Drafted after World War II, it aimed to ensure protection and fundamental liberties for people escaping persecution in host countries. The Convention continues to define who qualifies as a refugee and the legal safeguards to which they are entitled, and it currently has over 146 State parties. However, challenges to the Convention’s ability to uphold refugee rights persist in the face of contemporary issues such as restrictive policies and emerging forms of forced migration, as displacement crises grow worldwide. This analysis will assess the Convention’s strengths, shortcomings, and ongoing relevance in refugee protection.

## History of The 1951 Refugee Convention

Under Article 1(A)(2) of the 1951 Refugee Convention, refugees are defined as individuals who, owing to a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group, or political opinion, are outside their country of nationality and are unable or unwilling to avail themselves of the protection of that country. These individuals live in extremely vulnerable conditions. They are not protected by their home countries and face significant obstacles to their safety and well-being for these reasons, and are therefore forced to flee their country of origin.

The 1951 Refugee Convention, supplemented by its 1967 Protocol, is a key instrument for their protection. In the aftermath of the First World War and during it, millions of people fled their home countries in search of refuge. In response, governments drafted a series of international agreements to grant these individuals, who were the first officially recognized refugees of the twentieth century, travel documents. As millions more were forced to flee during and after World War II, their numbers increased dramatically.

The international community responded by progressively developing a set of guidelines, laws, and conventions aimed at protecting the basic human rights and treatment of those who are compelled to escape persecution and conflict. The 1951 Convention, which consolidated



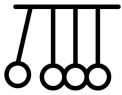
and extended earlier international instruments related to refugees, was the result of this process, which began under the League of Nations in 1921, and it continues to provide the most comprehensive codification of refugee rights at the international level.

## Achievements of The Convention

International lawyers occasionally forget what a remarkable breakthrough this treaty represented, even after seventy years have passed. The 1951 Convention, like those before it, was focused on addressing a specific problem. It was adopted shortly after World War II, at a time when the world was dealing with a severe refugee crisis affecting people of European origin. Individuals displaced from the USSR, Nazi Germany, and the former Ottoman Empire were the focus of a number of ad hoc initiatives in the preceding decades, which attempted to address specific refugee situations. Although these initiatives advanced the concept of international protection for persecuted groups, their reach was limited to members of particular national, ethnic, or religious groups, or to those displaced from a specific country.

Prior to the formation of the UNHCR, refugee matters were handled by earlier bodies such as the League of Nations High Commission for Refugees and the International Refugee Organization (IRO).

Thus, the original Convention was drafted narrowly. Under its temporal limitation, to be recognized as a refugee, an individual had to have been displaced due to “events occurring before 1 January 1951.” Under its geographic limitation, States parties could restrict refugee status to those displaced by events in Europe. However, the core concepts of the Convention, which were negotiated by representatives of 26 nations from all continents, were genuinely revolutionary. The 1967 Protocol removed these optional geographic and temporal restrictions sixteen years later. The scope and focus of today’s Convention are expansive, inclusive, and global. One hundred and forty-nine countries are now parties to the Convention or Protocol, and UNHCR is currently working in 132 countries, some of which



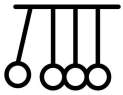
are not even parties to the Convention or Protocol, further demonstrating the Convention's influence as a global norm.

## Challenges Faced by The Convention and U.S. Commitments

First, the Biden Administration has pledged to greatly expand the number of refugees resettled in the United States, with a focus on Central American refugees. The U.S. humanitarian response to refugee and migration crises is led by the Bureau of Population, Refugees, and Migration (PRM) at the State Department, which Eric so ably led. One of its responsibilities is overseeing the U.S. Refugee Admissions Program (USRAP) in collaboration with the Department of Homeland Security (DHS) and the U.S. Department of Health and Human Services (HHS). The way the United States handles refugees and asylum seekers domestically enhances its humanitarian leadership internationally by serving as an example of good practice and encouraging other governments to strengthen their own protection policies.

After four years, the United States is once again taking up the mantle of leadership on refugee resettlement, including through the USRAP, which has resettled over 3.1 million refugees since 1980. To ensure that access to the USRAP is determined by the vulnerability of refugees, the government has already taken crucial steps, including increasing the annual target for refugee admissions to 62,500 for Fiscal Year 2021 and reestablishing regional resettlement allocations.

Furthermore, the United States remains the world's largest single donor of humanitarian assistance, providing more than \$10.5 billion globally in Fiscal Year 2020, including for refugees. This contribution significantly supports the mobilization and strengthening of the global response to displacement crises. In addition to providing financial support, the United States contributes to the mission of the United Nations High Commissioner for Refugees and carefully monitors UNHCR's policies and operations. It is not just financial assistance: the U.S. also supports a range of international organizations and non-governmental organizations



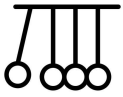
(NGOs) to help protect refugee rights and promote respect for the principle of non-refoulement through diplomacy led by PRM.

For instance, the United States' Ambassador to the United Nations, Linda Thomas-Greenfield, a member of the Career Foreign Service, praised the governments and people of the 17 countries in the region that generously host the majority of the more than 5.6 million Venezuelans forced to flee their country during the United States' participation in the Venezuela donors' conference. The principles of the Refugee Convention and Protocol form the foundation of initiatives by the governments of Colombia, Ecuador, Peru, and other countries to regularize the status of Venezuelan migrants and refugees, improve access to asylum, and grant access to legal employment and health services.

## How The Global Compact Effectively Complements The 1951 Geneva Convention

The 1951 Convention and its 1967 Protocol were never meant to be updated or replaced by the Compact, the final product of the New York Declaration. Despite the significant changes that have occurred over the past 65 years, the fundamental principles of refugee protection have not changed. Instead, by encouraging a multi-stakeholder approach, the Compact aimed to fill gaps in refugee responses and offer new tools to address emerging challenges, such as the effects of climate change and the impact of increasingly irregular migration across dangerous routes. For example, the 1951 Convention did not specifically address how responsibility-sharing should be achieved, despite emphasizing its importance in addressing refugee situations. This is a gap the Compact seeks to address by improving cooperation, particularly among States but also across the wider international community, giving host countries greater capacity and better resources to respond to refugee situations and secure the support they need.

The timing of the Compact could not have been more appropriate. Three-quarters of refugees are hosted in low- and middle-income countries, despite the fact that the global refugee population has doubled since the New York Declaration in 2016. However, despite these



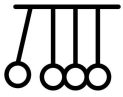
efforts, the international community has yet to make the level of progress that was hoped for. The GCR Indicator Report, published every two years to monitor the implementation of the Compact, provides data and evidence demonstrating how inadequate the response has been thus far, with host countries left feeling disappointed by unfulfilled commitments and new displacement continuing to outpace available solutions in 2022.

This, however, does not constitute a failure of, or a criticism of, the Compact. The findings of the Indicator Report should instead be interpreted as a call to action for the entire international community to ensure that States are fulfilling their responsibilities while doing everything possible to support them in doing so. This is because the GCR represents an expression of political will by States to uphold their commitments.

The Compact has already been used to develop innovative tools and systems that are beginning to address these challenges.

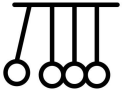
## Conclusion

The 1951 Refugee Convention has been a foundational framework for protecting refugees, establishing the principle of non-refoulement and essential rights. However, its effectiveness is limited by shortcomings in burden-sharing, restrictive State practices, and its inability to adequately address contemporary drivers of displacement such as climate change. The principles of the Convention remain crucial for refugee protection, but to overcome its limitations and ensure that refugees are protected in a changing world, complementary policies and enhanced international cooperation are required.



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