

## **Note on the complementarity between the Global Compact on Refugees and the 1951 Convention relating to the Status of Refugees**

1. This note aims to clarify the complementary nature of the Global Compact on Refugees with relevant legal instruments relating to refugee rights and protection, namely the 1951 Convention relating to the Status of Refugees (1951 Convention) and the 1967 Protocol, among others.
2. The Global Compact on Refugees (GCR or the Compact) was affirmed by the United Nations General Assembly in 2018 “as a representation of political will and the ambition to operationalize the principle of burden- and responsibility-sharing, to mobilize the international community as a whole, and to galvanize action for an improved response to refugee situations”.<sup>1</sup> It was also a renewed expression of States’ commitments to existing standards under international refugee law, human rights, and other bodies of law, rights and obligations. The Compact built on the existing international legal regime for asylum and refugee protection, which is grounded in the 1951 Convention and the UNHCR Statute, outlining UNHCR’s mandate as well as key principles of the UN Charter, international human rights law and international humanitarian law.<sup>2</sup>
3. In this context, it is important to recall that the GCR was not designed to formulate new legally binding standards but to address the long-standing gap regarding how to achieve responsibility-sharing in the international refugee protection regime, a principle enshrined in the 1951 Convention. While its Preamble highlights the need for international cooperation, the 1951 Convention does not itself articulate how States could or should work together to ensure effective and comprehensive protection, solutions and humanitarian responses. This absence of specific provisions on how States share responsibility has been referred to as the ‘perennial gap’ in the Convention. The GCR aims to address it, while also reaffirming the legal protections for refugees under the 1951 Convention.
4. The Compact aims to strengthen international responses to forced displacement through better and more systematized coordination, expanded partnerships with a broader base of stakeholders, and more equitable burden-sharing that includes reinforced support to host countries enabling more protective and inclusive policies.
5. In doing so, the GCR encourages and enables States to uphold protection standards and refugee rights more effectively and take concrete actions to enhance their implementation.
6. Through its four objectives (to ease pressure on host countries, to enhance refugee self-reliance, to expand access to solutions and to support conditions in country of origin for return in safety and dignity), the GCR seeks to address several essential challenges:

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<sup>1</sup> [Global Compact on Refugees](#), Introductory Note, p. III.

<sup>2</sup> [Global Compact on Refugees](#), Guiding Principles: The Global Compact on Refugees “is guided by relevant international human rights instruments, international humanitarian law, as well as other international instruments as applicable. It is complemented by instruments for the protection of stateless persons, where applicable. The humanitarian principles of humanity, neutrality, impartiality and independence – A/RES/46/182 and all subsequent General Assembly resolutions on the subject, including resolution A/RES/71/127 – as well as the centrality of protection also guide the overall application of the global compact”.

- a. First, it seeks to expand solutions for refugees including through resettlement and legal pathways in third countries; voluntary repatriation, where conditions permit, in safety and dignity to countries of origin; and local integration in countries of asylum.
  - b. Second, the Compact seeks to ease pressures on host countries while enhancing refugee protection and self-reliance by way of strengthened inclusion in national systems including documentation, education, health, and access to jobs and livelihoods.
  - c. Third, it enshrines a multi-stakeholder approach which acknowledges and creates space for a broader range of relevant actors to contribute to more comprehensive refugee responses. The aim of this is not for non-state partners to assume the functions and duties of States – but to encourage them to complement, support, and, where necessary, advocate and push States to respect their obligations.
  - d. Last, the GCR both promotes access to rights and facilitates the enabling conditions needed for the realization of those rights by making host countries the centre of gravity for support.
7. The GCR also enables UNHCR and its partners to respond more effectively to two increasingly important operational and protection priorities: it reaffirms the applicability of the 1951 Convention and other refugee and human rights instruments to protect people displaced across borders in the context of the adverse effects of climate change and disasters, and in situations of mixed movements of refugees and migrants.
- a. Climate change and disasters: The GCR acknowledges, among other issues, the reality of increasing displacement in the context of disasters, environmental degradation and climate change, and provides a basis for measures to tackle the many challenges arising in this area.<sup>3</sup>
  - b. Mixed movements of refugees and migrants: As recognized in the [New York Declaration for Refugees and Migrants](#), the GCR and the Global Compact for Safe, Orderly and Regular Migration (GCM) apply to two distinct categories of people on the move: refugees and migrants. The successful implementation of both Compacts will help address the challenges posed by mixed movements. In this regard, the "route-based approach" aims to provide more effective and predictable responses to the challenges faced by these groups by applying innovative approaches to ensure international protection and solutions for refugees, while upholding rights and creating opportunities for migrants.<sup>4</sup>
8. One of the key innovations of the GCR is its call for a whole-of-society approach, reinforcing the importance of States but also a wide range of relevant non-State actors, working

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<sup>3</sup> See [Global Compact on Refugees](#), paras 61 and 63. Para. 63 calls for 'stakeholders with relevant mandates and expertise [to] provide guidance and support for measures including to assist those forcibly displaced by natural disasters, taking into account national law and regional instruments as applicable, as well as practices such as temporary protection and humanitarian stay arrangements', in conjunction and in complement to para. 61 that refers to implementing international and regional obligations (A/RES/72/150, para 51) in a way which avoids protection gaps and enables all those in need of international protection to find and enjoy it. See also [Climate Change and Disaster Displacement in the Global Compact on Refugees](#), UNHCR, 2018.

<sup>4</sup> Mixed movements of refugees and migrants pose significant challenges for governments and the people in countries of origin, asylum, transit and destination. UNHCR has often underlined the complementary nature of the two compacts: firstly, both Compacts address similar issues affecting refugees and migrants irrespective of the status of the persons concerned: the implementation of measures benefiting one group in such produces a positive impact on the protection of the other. Secondly, the implementation of the two compacts can be mutually reinforcing. For instance, the provision of pathways for regular migration may alleviate pressure on the asylum system, often used by migrants in the absence of alternatives.

together to advance refugees' rights more comprehensively (Chapter III, Section A, Paragraph 3.2).

- a. The GCR affirms that States have the primary obligation to ensure access to rights as set out in the 1951 Convention, and mobilizes them to pledge accordingly, such as to accede to international legal instruments or lift reservations thereto; to adopt laws reflecting international standards; and to work together to build protection/asylum capacity.
  - b. Other actors, including regional organizations, UN agencies, development actors, civil society, municipalities, the private sector, and other key actors outlined in the Compact are called upon to leverage their unique contributions in response to forced displacement.
  - c. Relevant actors are also called on to ensure meaningful participation of refugees and host community members in the design of responses to forced displacement.
9. In conclusion, at a time where concerns have been raised about the erosion of respect for international legal standards for refugee protection and, in some contexts, increasingly restrictive approaches and attempts to externalize responsibilities for asylum, the GCR serves as a powerful resource and advocacy tool for UNHCR and its partners at all levels to:
- a. Cite and draw upon in national, regional, and international fora, as a basis for a wide range of partners to mobilize and rally support for fulfilment of commitments by States.
  - b. Inform and guide responses to displacement situations, in ways which can highlight the Compact's utility and build its authority.
  - c. Act as a mechanism for accountability and as an incentive for action, through the regular formal follow-up and review processes it foresees, such as the GCR Indicator report and the Global Refugee Forum pledge mobilization and implementation arrangements.
  - d. Recall that the Compact's overall application is guided by international law, notably the international refugee protection regime.