

**MINISTERIAL MEETING OF STATES PARTIES
to the 1951 Convention and/or its 1967 Protocol
relating to the Status of Refugees**

12 December 2001

1. In the context of the Global Consultations on International Protection, the first ever meeting of States Parties to the 1951 Convention/1967 Protocol relating to the Status of Refugees (1951 Convention) is taking place in Geneva on 12 and 13 December 2001. The Ministerial Meeting is co-hosted by the Swiss Government and UNHCR and has attracted considerable attention, which is not least confirmed by the attendance of 80 Ministers.

2. Minister Metzler-Arnold from Switzerland (Chairperson) opened the meeting by welcoming States Parties and Observers, and made reference to the main items contained in the Draft Declaration to be adopted by States Parties on 13 December 2001.

3. After the adoption of the agenda and the rules of procedures, the representatives of Algeria, Belgium, Canada, Philippines and Venezuela were elected as Vice-Chairs to the Ministerial Meeting and confirmed as Members of the Bureau.

INTRODUCTORY STATEMENTS

4. In his introductory statement, Mr. Han Seung-Soo, President of the General Assembly of the United Nations, referred to the 1951 Convention as the “Magna Carta” of international refugee law which has remained for the past 50 years the cornerstone of the international community’s efforts to provide protection and assistance to refugees around the world.

5. The Secretary-General of the United Nations delivered a video-taped message in which he welcomed the Ministerial Meeting as a much-needed chance to think how to continue to protect refugees in the new international environment, and how to address the challenges that have arisen since the Convention was drafted. He also mentioned that the Global Consultations are helping to show how strong and relevant the Convention is, and that they have begun to map out a clear agenda for refugee protection in the new century.

6. In his address, the High Commissioner for Refugees stressed, *inter alia*, that burden-sharing is key to finding solutions for refugees, promoting a productive symbiosis between host countries and cash-donor countries. He also pointed out that it is necessary to create a positive climate for refugees

and a culture of respect. Refugees should not be seen solely as a burden. In addition, he spoke of the need to ensure effective partnerships between political actors, humanitarian organizations, development agencies, human rights groups and many others. The High Commissioner also emphasized the need for a global governance structure for refugees.

7. The President of Latvia, Ms. Vaira Vike-Freiberga, herself a former refugee, provided a very touching personal testimony. She recalled that refugees do not leave their homes willingly, and it is important to extend to refugees a helping hand and not to think of them in a bureaucratic language, or in form of declarations or legal texts. She urged States to instil a human perspective into the daily practice of providing refugee protection.

8. Amina, a refugee, read out the *Paris Appeal*, a declaration adopted at a gathering of some 500 refugees on 16 June 2001 in the French National Assembly to commemorate the 50th anniversary of the 1951 Convention.

STATEMENTS BY STATES PARTIES

9. After the introductory statements, the following delegations took the floor: Switzerland, Brazil, Belgium, South Africa, Norway, United Republic of Tanzania, Australia, Finland, Uganda, Sweden, Côte d'Ivoire, Denmark, China, Mozambique, Russian Federation, Islamic Republic of Islam, Mexico, United States of America, Holy See, Algeria, Turkey, Namibia, United Kingdom, Germany, Ireland, Spain, Hungary, The Netherlands, Azerbaijan, Cyprus, Luxembourg, Yugoslavia, Bulgaria, Dominican Republic, Slovenia, Kyrgyzstan, Ecuador, Zambia, and Egypt.

10. The following paragraphs synthesise the broad sense of the statements made on 12 December 2001.

The 1951 Convention relating to the Status of Refugees

11. Delegations affirmed their continuing and strong support for the 1951 Convention as the cornerstone and foundation of international refugee protection. It was seen as having served its role well and was described by one delegate as representing a 'candle in the dark' for refugees. Delegates expressed their trust in the Convention's continued relevance and their commitment to honouring the principles it contains. They referred both to its effectiveness and flexibility, despite the ever-changing environment, and to the 'conciseness, clarity and timeless character of its provisions'. A number of delegations referred to the example of gender-based persecution, as demonstrating the Convention's adaptability to new circumstances, while one State in particular also highlighted persecution based on sexual orientation.

12. Numerous States, including those which had hosted significant refugee populations for decades, reaffirmed their commitment to comply with their obligations under the 1951 Convention. Many States called upon non-Parties to accede to the international refugee instruments. One delegation announced that it was removing reservations made at the time of accession. Other countries were called upon to follow suit.

Refugee protection extending beyond the 1951 Convention

13. Several delegates reaffirmed that the protection afforded to refugees under the 1951 Convention is supplemented and complemented by Conclusions of the Executive Committee, as well as by regional instruments. The key principle of *non-refoulement* set out in the 1951 Convention was also defined as having become a principle of customary international law and as such binding upon all States. Many delegates affirmed that the Convention constitutes an integral and important part of a system of human rights instruments, though with a specific focus. Within this broader framework, the point of departure should be States' joint ambitious commitment to create societies where all individuals have the same rights and are treated equally regardless of race, religion, nationality, membership of a particular social group or political opinion.

Strengthening implementation of the 1951 Convention

14. In efforts to improve implementation of the 1951 Convention, delegates stressed the need to strengthen protection capacities in all countries and to ensure that, in adapting and evolving the system, protection continues to be available to those in need of it. Several States mentioned that they were enacting or improving national legislation to deal with asylum claims. Strong support was expressed for UNHCR's supervisory role, while the need for States Parties to cooperate closely with UNHCR and use its expertise in protection issues was also stressed.

15. A number of States called for adequate resources for protection work to be allocated within UNHCR, even during periods of financial constraint. In particular, one delegate proposed that UNHCR's Executive Committee should re-establish a Sub-committee on International Protection. This committee could be empowered to ask UNHCR for its frank views on the most serious refugee protection problems and to call on States to undertake concrete actions to address them. While governments should ultimately be responsible for the recommendations made by the Sub-committee, there should also be opportunities for input from experts and non-governmental organizations in this process.

Challenges of today

16. Many delegations noted that the context within which the Convention is applied today is markedly different from that which existed at the time of its drafting. They highlighted a series of challenges faced by States Parties in their efforts to meet their obligations under the Convention. The nexus between asylum and various other forms of migration has increasingly focused attention on a series of difficult issues, including the rise in human trafficking and smuggling, the dilemma of resolving rejected cases in the absence of fully effective return and readmission arrangements and erosion of confidence in the institution of asylum as a result of abuses and a perception of refugee numbers spiralling out of control. It was deemed vital to preserve public support for refugee protection. At the same time, there was general consensus that these pressing challenges make their task more difficult but do

not justify a questioning of the Convention and international refugee protection standards.

17. Several delegations cautioned against an inappropriate reaction to overall increases in migration, stressing the need to focus on the Convention as a protection tool for those it was originally drafted to assist and finding other appropriate mechanisms to tackle related problems. Concern was expressed by some over the high incidence of irregular movement of asylum-seekers and refugees having found protection already, sometimes referred to as *asylum shopping*. Not least was the concern that disproportionate attention to abusive and unfounded claims represents a considerable drain on scarce resources that could be better applied to the protection of those most in need. In the European context, hope was expressed that moves to harmonise asylum procedures and policies would act as an effective counter balance to this phenomenon. Delegations from other regions hinted at the need for a similar approach.

Global Consultations on International Protection

18. Delegations expressed their appreciation and support for the Global Consultations process as having fostered a constructive debate on refugee issues, including contemporary challenges. They supported the draft Agenda for Protection. A number of delegations pointed out that the consultations need to take adequate account of the economic, social and other limitations of the countries affected by refugees.

Mass influx and burden-sharing

19. A number of delegations described the many practical and operational difficulties they face in coping with mass influx situations. The need for effective international cooperation, as well as responsibility and burden-sharing were particularly emphasized in this context. One delegation even requested the development of guidelines on burden-sharing. Some delegations also noted that the 1951 Convention is sufficiently flexible to be applied in situations of mass influx, while stressing the need for practical arrangements in specific cases.

Security

20. In the wake of the September 11th attacks the issues of terrorism and national security were evident in many State interventions. Several States made it clear that national security concerns were considered paramount and required scrupulous application of the Convention's exclusion clauses. As new anti-terrorism measures are under consideration in a number of States, it was stressed that caution would be exercised to ensure that these do not undermine State obligations to provide protection to refugees.

Loss of lives

21. Many delegations gave homage to UNHCR staff members who have lost their lives in the service of refugees. Several delegations alluded to the loss of life occurring both during mass exodus situations and also at the hands of unscrupulous human traffickers. One delegation made specific reference to

the recent incident in which eight persons were discovered dead in a cargo container in that country.

Durable solutions

22. All delegations attached great importance to promoting and finding durable solutions for refugees. In this context, it was stressed that voluntary repatriation remains the most appropriate durable solution and must be fully supported with the necessary funds to achieve peace building, stability and re-integration, Afghanistan being a case in point. Delegations also underlined that the voluntary nature of repatriation must be respected.

23. Some delegations observed that, although return is preferable it may be blocked by numerous legal and administrative barriers, in which case local integration needs to be recognised and supported. One delegation pointed out that effective local integration demands financial support for local development projects. A number of delegations also pointed out that there is a need for national campaigns against racism and xenophobia in order to support acceptance of asylum.

24. Other delegations pointed out that resettlement offers an effective durable solution for many refugees. To explore its full potential as a burden-sharing tool, delegations called upon other States to offer more resettlement opportunities for refugees, thereby helping to create a more equitable and predictable refugee protection regime. In this context, one delegation urged to develop a strategy both to increase the number of resettlement countries and to utilise better the institution of resettlement within a broader protection framework.

Vulnerable groups

25. Several delegations highlighted their concerns for vulnerable groups, urging that the special needs of refugee women, children and the elderly be adequately attended to. Achievements to date in mainstreaming these needs into all refugee programmes were noted but UNHCR was urged to take further steps in this regard and to ensure continuous monitoring of these issues. With specific reference to the needs of refugee women, delegations stressed that they should not be considered vulnerable per se. However it is important to highlight their particular needs in specific circumstances and ensure appropriate responses.

Prevention and root causes

26. Many delegations referred to the importance of addressing the causes of refugee movements and the need for preventive action, particularly in today's globalized world. It was stressed that emphasis should be put on creating conditions that will facilitate voluntary return, especially in those regions of the world that are particularly affected by civil strife and armed conflict. Delegations noted that humanitarian actions alone cannot secure lasting solutions nor resolve the causes of flight.

Adequate financial means to UNHCR/refugee hosting countries

27. Some delegations welcomed UNHCR's actions to re-focus activities on its core mandate, pointing out that refugee needs are great, which necessitates contributions to be maintained and/or increased. It was stressed that UNHCR must be fully equipped, financially and otherwise, and that the donor base should be broadened beyond the eight main donors. In addition, the international community was urged to increase its support to refugee hosting countries.

Partnerships

28. Many delegations emphasized the need to reinforce existing partnerships and to develop new ones. One delegation urged UNHCR and States to design strategies to build the capacity of NGOs.

CLOSING OF FIRST DAY

29. Mr. Anders Johnsson, Secretary-General of the Inter-Parliamentary Union and Mrs. Mary Robinson, High Commissioner for Human Rights, addressed the session in closing. Mr Johnsson introduced the Handbook for Parliamentarians jointly produced by UNHCR and IPU. Mrs Robinson drew on the link between refugee protection, human rights and humanitarian law, stressing the need for respect as a common theme. She stressed in particular the human rights dimension of the 1951 Convention itself and the need to implement it fully.