

**Ministerial Meeting of States Parties  
to the 1951 Convention Relating to the Status of Refugees  
and  
UNHCR'S Global Consultations on International Protection**

*Background*

When ministers from the 143 States that have ratified the 1951 UN Refugee Convention (and/or its 1967 Protocol) meet in Geneva on 12 and 13 December, they will help chart the future of refugee protection as well as commemorate its past. The unprecedented gathering will adopt a landmark declaration reaffirming States' commitment to the full and effective implementation of the UN Convention Relating to the Status of Refugees. At the same time, ministers will examine some of the contentious issues that threaten to undermine the international system of refugee protection.

The Ministerial Meeting, co-hosted by the Swiss government and the UN High Commissioner for Refugees (UNHCR), marks an important landmark of the Global Consultations on International Protection. UNHCR launched the Consultations at the beginning of 2001, to coincide with the 50<sup>th</sup> anniversary of the 1951 Refugee Convention. Through a series of meetings involving governments, NGOs, academics, judges and other experts on refugees and refugee law, UNHCR has elicited creative thinking -- and renewed pledges to act -- on protecting refugees.

While affirming that the Refugee Convention remains the cornerstone of refugee protection, interior and foreign ministers of States Parties to the Convention will also commit themselves to finding ways to protect refugees at a time when migration flows are increasing and asylum-seekers are met with suspicion or outright hostility.

The **Global Consultations** process has involved three concurrent series of discussions. Regional meetings, attended by government officials, non-governmental organizations (NGOs), academics and refugees, were held throughout 2001 in six different parts of the world -- Africa, North America, Asia, Europe, Central America and the Middle East. The recommendations that emerged from those meetings, together with recommendations made by refugees in two forums devoted exclusively to the refugee perspective on refugee protection, were fed into two other series of discussions:

- Expert Roundtables, composed of small groups of government officials, NGO representatives, academics, and experts in refugee law from around the world, clarified interpretations several crucial provisions of the 1951 Refugee .
- Members of UNHCR's governing body, the Executive Committee (ExCom), together with representatives of intergovernmental and non-governmental organizations as observers, discussed various refugee protection issues that are not explicitly addressed in the 1951 Refugee Convention.

Recommendations that emerged from all these talks provide the basis of discussions among ministers at the December gathering. They will also underpin an Agenda for Protection, a set of specific activities that will turn intent into action, which will be finalized at the end of the Global Consultations process in 2002.

Participants in the **Expert Roundtables**, which were held in May, July, September and November 2001 in four different European cities, examined, in depth, some key questions about refugee protection that have been hotly debated in recent years. These include:

- Can a person ever be forcibly returned to a place where his or her life or freedom is threatened?
- Who is considered to be not deserving of refugee protection under the terms of the Convention?
- When, if ever, does a person cease to be a refugee and no longer need the protection of another State?
- Can someone be persecuted simply because of his or her gender?
- Do people who enter a country illegally deserve to be recognized as refugees?

Participants at the **ExCom/UNHCR discussions**, held in March, June and September 2001 in Geneva, addressed specific topics within two broad themes: protecting refugees during mass influxes and protecting refugees within the context of individual asylum systems. Participants examined the maintenance of the civilian character of asylum, and separating armed elements from refugee populations; registering refugees; human trafficking and smuggling; the link between migration and asylum; the practice of intercepting asylum-seekers before they reach a nation's territory; the role of resettlement programs; burden- and responsibility-sharing among nations; and how to improve protection capacities in developing countries. Discussions on solutions to refugee problems and the protection of refugee women and children are scheduled for May 2002 in Geneva.

On the second day of the December 12-13 Ministerial Meeting, ministers will contribute to the debate on some of these key issues by participating in three **roundtable discussions**.

- In examining **how to strengthen implementation of the Convention and its Protocol**, ministers will explore such issues as what, if any, mechanisms can be adopted to improve implementation of the Convention and its Protocol; and what role NGOs can play in ensuring better implementation of the Convention and its Protocol.
- Discussions on **international cooperation to protect masses in flight** will focus on whether there should be an additional optional Protocol to the 1951 Convention that explicitly addresses the problem of mass influxes; how the responsibilities and burdens of accommodating mass influxes can be more equitably shared among nations; and how to maintain the civilian character of refugee camps.
- As refugees and economic migrants become increasingly entangled in mixed migration flows, it has become essential for the international community to find ways of expeditiously distinguishing who is and who is not deserving of international protection and of ensuring that those who do deserve protection receive it. Talks on **upholding refugee protection in the face of mixed migration flows** will focus on how to maintain the credibility and integrity of asylum systems; how to help build and maintain asylum systems in countries with limited resources; how to foster public support for refugee protection; and how to combat human trafficking and smuggling while ensuring that refugee protection needs are met.

These roundtables will be held in closed sessions, limited to delegations and other invitees. To encourage lively debate, the roundtables will be limited to a maximum of 35 participants

each. Summaries of the roundtable discussions will be presented orally during the concluding plenary session of the Ministerial Meeting on the afternoon of 13 December, and later published.

At the conclusion of the Global Consultations on International Protection, scheduled for mid-2002, UNHCR will compile suggestions generated during the process in an **Agenda for Protection**. This Agenda, comprising proposed activities to strengthen refugee protection, will serve as a guide for UNHCR and as an inspiration for States, NGOs and other protection partners in setting objectives for the coming years.

Elements of the Agenda identified to date fall under five Objectives:

1. **Strengthening implementation of the 1951 Convention and its 1967 Protocol**

Proposed activities include:

- Encouraging universal accession to the Convention and Protocol
- Improving individual refugee status determination procedures
- Improving consistency in excluding from the system of international protection those deemed undeserving, including those guilty of terrorist acts
- Fostering respect for refugees and recognition of their contributions to society
- Improving registration of refugee populations
- Addressing the root causes of refugee movements

2. **Ensuring better protection of refugees within broader migration movements**

Proposed activities include:

- Strengthening international efforts to combat human trafficking and smuggling
- Informing potential migrants of the opportunities for legal migration and the dangers of human smuggling and trafficking
- Expediting return of persons found not to be in need of international protection
- Fostering cooperation between UNHCR and the International Organization for Migration (IOM)

3. **Sharing burdens and responsibilities more equitably and build capacities to receive and protect refugees**

Proposed activities include:

- Increasing predictability of responsibility-sharing arrangements to assist countries of first asylum
- Strengthening protection partnerships with civil society, including with NGOs
- Anchoring refugee issues within national and regional development agendas
- Promoting resettlement as a burden-sharing tool

4. **Handling security-related concerns more effectively**

Proposed activities include:

- Helping states, financially or materially, to separate armed elements from refugee populations
- Improving protection of refugee women and children

5. **Redoubling efforts to find durable solutions**

These issues will be the focus of discussions in early 2002 and concrete activities will be suggested at that time.

The Agenda for Protection will be finalized at the conclusion of the Global Consultations process in 2002, in consultation with UNHCR's Executive Committee.

[Click here](#) for the pdf flow-chart which accompanies this document.