

Ministerial Meeting of States Parties
to the 1951 Convention
and/or its 1967 Protocol
relating to the status of refugees
12-13 December 2001

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REPORT OF THE PREPARATORY SESSION
(Geneva, 20-21 september 2001)

I. INTRODUCTION

A. Opening of the Session

1. The Preparatory Session for the Ministerial Meeting of States Parties was held on 20-21 September at the Palais des Nations in Geneva. It was opened by the Chairperson, Mr. Jean-Daniel Gerber (Switzerland).

2. The Chairperson informed delegations that the Preparatory Session was intended to proceed with and hopefully conclude consultations on the draft declaration, the rules of procedure and other organizational matters for the Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, which will be held in Geneva on 12 and 13 December 2001.

B. Adoption of the Agenda

3. The Preparatory Session adopted by consensus the following agenda (EC/GC/01/Track1/PS/01):

1. Opening of the Session
2. Adoption of the Provisional Agenda
3. Draft Rules of Procedure
4. Election of Officers
5. Format of the Ministerial Meeting
6. Draft Declaration
7. Any Other Business
8. Closure of the Session

C. Election of Officers

4. Under Rule 6 of its rules of procedure (see Section II (A) below), the Preparatory Session elected the following States by acclamation to serve as Vice-Chairs of the Ministerial Meeting: Algeria, Belgium, Canada, Philippines and Venezuela.

D. Representation at the Preparatory Session

5. The following States Parties to the 1951 Convention and/or its 1967 Protocol were represented at the Preparatory Session:

Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Czech Republic, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Ghana, Germany, Greece, Guatemala, Guinea, Haiti, Holy See, Hungary, Honduras, Iceland, Iran (Islamic Republic of), Ireland, Italy, Côte d'Ivoire, Japan, Kazakhstan, Kirgystan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Morocco, Mexico, Monaco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland (Chairperson), Tajikistan, United Republic of Tanzania, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia and Zambia.

6. The following States that are not Parties to the 1951 Convention and/or its 1967 Protocol were represented as observers:

Afghanistan, Bahrain, Bhutan, Cuba, Indonesia, Iraq, Jordan, Malaysia, Mauritius, Myanmar, Nepal, Oman, Republic of Moldova, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Thailand, Ukraine and Viet Nam.

7. The European Commission, the Council of the European Union, the International Committee of the Red Cross (ICRC), the Sovereign Order of Malta and the Inter-Parliamentary Union were also represented as observers.

8. The United Nations system was represented as follows:

Office of the United Nations High Commissioner for Human Rights (OHCHR), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Centre for Human Settlements (HABITAT), United Nations Children's Fund (UNICEF), United Nations Environment Programme (UNEP), United Nations Institute for Training and Research (UNRISD), United Nations Relief and Works Agency for Palestine Refugee in the Near East (UNWRA), United Nations Volunteers Programme (UNV), Food and Agriculture Organization of the United Nations (FAO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

9. The following intergovernmental organizations were represented as observers:

Council of Europe, International Monetary Fund (IMF), League of Arab States, International Organization for Migration (IOM) and the World Bank.

10. A total of 31 non-governmental organizations were represented by observers.

II. WORK OF THE PREPARATORY SESSION

A. Adoption of the Rules of Procedure

11. Under agenda item 3, the Chairperson presented the draft rules of procedure contained in document EC/GC/01/Track 1/PS/02 for the consideration of the Preparatory Session.

12. Delegations commented on Rule 3 ("Credentials") and Rule 13 ("Documentation and Languages"). As to credentials, delegations concurred that the requirement in Rule 3 that "credentials shall be issued by the Head of State or Government or by the Minister of Foreign Affairs" imposed a heavy burden and was inappropriate. One delegation suggested that the term "accreditation" would more appropriate. It was agreed that this requirement should be deleted from the rules of procedure. On documentation and languages, delegations commenting on Rule 13 suggested the deletion of the last sentence in that rule which provided that, "Should this not prove feasible, documentation will be made available at minimum in English and French." They felt that, as a matter of principle, the Secretariat should undertake to make all documentation for the Ministerial Meeting available in the official languages in time for the meeting.

13. At the suggestion of the Chair, delegations agreed to request the Secretariat to amend Rules 3 and 13 to reflect the above comments. The Secretariat amended and reissued the rules of procedure as document EC/GC/01/Track 1/PS/02/Rev.1. The Preparatory Session adopted the said revised rules for its work and recommended them for adoption by the Ministerial Meeting. They shall be reissued for the Ministerial Meeting as document HCR/MMSP/2001/02.

B. Format of the Ministerial Meeting

14. An initial proposal for the format of the Ministerial Meeting was distributed by the Secretariat in document EC/GC/01/Track 1/PS/03 (French) and EC/GC/01/Track 1/PS/03/Corr.1 (English).

15. In introducing agenda 5, the Director of UNHCR's Department of International Protection informed the Preparatory Session that in the run-up to the session, both UNHCR and Switzerland had received a number of expressions of concern regarding the format as proposed.

16. To accommodate these concerns and take account of suggestions made by a number of delegations, the Director proposed the following changes to the format of the Ministerial Meeting:

- To extend the Ministerial Meeting by one day, and to hold a two-day meeting on 12 and 13 December 2001; and
- To reschedule the roundtables on the second day of the Ministerial Meeting and to adjourn the plenary while the roundtables are in session.

These proposals were accepted by the Preparatory Session.

17. The Director also proposed a formula for the list of speakers, which would consist of giving preference to speakers from the first ten States by region to have ratified the 1951 Convention and its 1967 Protocol relating to the Status of Refugees and the last ten States to have done so. In the ensuing debate, delegations rejected this formula and expressed a preference for the Secretariat to open a speaker's list and to adhere to standard United Nations practice in ministerial-level meetings regarding the establishment of the list as well as precedence in speaking order. The Preparatory Session therefore requested the Secretariat to open and maintain a speaker's list in keeping with standard practice, in consultation with the competent services at the United Nations Office at Geneva.

18. Some of the debate also focused on the suggested topics for the roundtables, as proposed in document EC/GC/01/Track 1/PS/03 (French) and EC/GC/01/Track 1/PS/03/Corr.1 (English). The Preparatory Session agreed to request the Bureau of the Ministerial Meeting to refine the titles for the roundtables in consultation with the Secretariat.

C. Draft Declaration

19. Most of the Preparatory Session was devoted to agenda item 6, and negotiations on the draft declaration to be adopted by the Ministerial Meeting. The Preparatory Session approved the draft declaration (EC/GC/01/Track 1/PS/04/Rev.6) attached as an Annex and recommended it for eventual adoption by the Ministerial Meeting¹.

¹ The delegation of Azerbaijan approved the Draft Declaration but wished to have it recorded that it did not favour a specific reference to the 1996 Programme of Action for the CIS countries in preambular paragraph three. In consultations following the Preparatory Session, the delegation made a number of counter-proposals but the issue remained unresolved at the time of writing.

DRAFT DECLARATION

Preamble

We, representatives of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, assembled in the first meeting of States Parties in Geneva on 12 and 13 December 2001 at the invitation of the Government of Switzerland and the United Nations High Commissioner for Refugees (UNHCR),

1. Cognizant of the fact that the year 2001 marks the 50th anniversary of the 1951 Geneva Convention relating to the Status of Refugees,
2. Recognizing the enduring importance of the 1951 Convention, as the primary refugee protection instrument which, as amended by its 1967 Protocol, sets out rights, including human rights, and minimum standards of treatment that apply to persons falling within its scope,
3. Recognizing the importance of other human rights and regional refugee protection instruments, including the 1969 Organisation of African Unity (OAU) Convention governing the Specific Aspects of the Refugee Problem in Africa and the 1984 Cartagena Declaration, and recognizing also the importance of the common European asylum system developed since the 1999 Tampere European Council Conclusions, as well as the significance to refugee protection of the 1996 Programme of Action for the Commonwealth of Independent States (CIS) countries.
4. Acknowledging the continuing relevance and resilience of this international regime of rights and principles, including at its core the principle of *non-refoulement*, whose applicability is embedded in customary international law,
5. Commending the positive and constructive role played by refugee-hosting countries and recognizing at the same time the heavy burden borne by some, particularly developing countries and countries with economies in transition, as well as the protracted nature of many refugee situations and the absence of timely and safe solutions,
6. Taking note of complex features of the evolving environment in which refugee protection has to be provided, including the nature of armed conflict, ongoing violations of human rights and international humanitarian law, current patterns of displacement, mixed population flows, the high costs of hosting large numbers of refugees and asylum-seekers and of maintaining asylum systems, the growth of associated trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding and returning those not entitled to or in need of international protection, as well as the lack of resolution of long-standing refugee situations,

7. Reaffirming that the 1951 Convention, as amended by the 1967 Protocol, has a central place in the international refugee protection regime, and believing also that this regime should be developed further, as appropriate, in a way that complements and strengthens the 1951 Convention and its Protocol,

8. Stressing that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and effective responsibility and burden-sharing among all States,

Operative Paragraphs

1. Solemnly reaffirm our commitment to implement our obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;

2. Reaffirm our continued commitment, in recognition of the social and humanitarian nature of the problem of refugees, to upholding the values and principles embodied in these instruments, which are consistent with Article 14 of the Universal Declaration of Human Rights, and which require respect for the rights and freedoms of refugees, international cooperation to resolve their plight, and action to address the causes of refugee movements, as well as to prevent them, *inter alia*, through the promotion of peace, stability and dialogue, from becoming a source of tension between States;

3. Recognize the importance of promoting universal adherence to the 1951 Convention and/or its 1967 Protocol, while acknowledging that there are countries of asylum which have not yet acceded to these instruments and which do continue generously to host large numbers of refugees;

4. Encourage all States that have not yet done so to accede to the 1951 Convention and/or its 1967 Protocol, as far as possible without reservation;

5. Also encourage States Parties maintaining the geographical limitation or other reservations to consider withdrawing them;

6. Call upon all States, consistent with applicable international standards, to take or continue to take measures to strengthen asylum and render protection more effective including through the adoption and implementation of national refugee legislation and procedures for the determination of refugee status and for the treatment of asylum-seekers and refugees, giving special attention to vulnerable groups and individuals with special needs, including women, children and the elderly;

7. Call upon States to continue their efforts aimed at ensuring the integrity of the asylum institution, *inter alia*, by means of carefully applying Articles 1F and 33 (2) of the 1951 Convention, in particular in light of new threats and challenges;

8. Reaffirm the fundamental importance of UNHCR as the multilateral institution with the mandate to provide international protection to refugees and to promote durable solutions, and recall our obligations as State Parties to cooperate with UNHCR in the exercise of its functions;
9. Urge all States to consider ways that may be required to strengthen the implementation of the 1951 Convention and/or 1967 Protocol and to ensure closer cooperation between States parties and UNHCR to facilitate UNHCR's duty of supervising the application of the provisions of these instruments;
10. Urge all States to respond promptly, predictably and adequately to funding appeals issued by UNHCR so as to ensure that the needs of persons under the mandate of the Office of the High Commissioner are fully met;
11. Recognize the valuable contributions made by many non-governmental organizations to the well-being of asylum-seekers and refugees in their reception, counselling and care, in finding durable solutions based on full respect of refugees, and in assisting States and UNHCR to maintain the integrity of the international refugee protection regime, notably through advocacy, as well as public awareness and information activities aimed at combating racism, racial discrimination, xenophobia and related intolerance, and gaining public support for refugees;
12. Commit ourselves to providing, within the framework of international solidarity and burden-sharing, better refugee protection through comprehensive strategies, notably regionally and internationally, in order to build capacity, in particular in developing countries and countries with economies in transition, especially those which are hosting large-scale influxes or protracted refugee situations, and to strengthening response mechanisms, so as to ensure that refugees have access to safer and better conditions of stay and timely solutions to their problems;
13. Recognize that prevention is the best way to avoid refugee situations and emphasize that the ultimate goal of international protection is to achieve a durable solution for refugees, consistent with the principle of *non-refoulement*, and commend States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;
14. Extend our gratitude to the Government and people of Switzerland for generously hosting the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.