

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

Chairperson's Report on Roundtable 3

**“Upholding Refugee Protection in the Face of Contemporary Challenges
involving Mixed Flows” (*inter alia* asylum systems)**

13 December 2001

Madame Chairperson, High Commissioner, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen,

The third roundtable gave rise to open discussion and full participation across a variety of issues associated with upholding refugee protection in the face of contemporary challenges involving mixed flows. There was a range of views on several specific issues. Overall, it was widely recognized that this issue is a complex one, and that there are no simple answers.

The discussion focused on seven main areas: efficient asylum procedures, the root causes of the movements of persons, interception, secondary movements from countries of first asylum, return of rejected cases, public opinion, and the need for more research and analysis on these issues.

Fair and Efficient Procedures

There was broad consensus that quality decision-making, which is efficient and fair, with enforceable results, including return of those found not to be in need of international protection, is a key aspect of creating a credible international asylum system. Many delegations stated that the Refugee Convention is the cornerstone of refugee protection, and that we should not lose sight of the individual person.

Root Causes of Movements of Persons

Many delegations agreed that States should prioritize finding solutions to the root causes of refugee movements and displacement generally, as a means of reducing the refugee problem. It was stated that the movements of persons cannot be seen in isolation of war, violence and persecution, including human rights abuses, as well as extreme poverty and inequalities, which need to be addressed in order to combat irregular movements of persons. In order to resolve these problems, crisis prevention and aid to countries of origin and first countries of asylum were specifically mentioned.

Interception

Several delegations mentioned that interception can be a useful way to address problems of mixed flows, and highlighted that this should be done in line with refugee protection obligations and in particular, the principle of *non-refoulement*. Delegations look forward to UNHCR guidelines on this issue, which could be discussed with States.

Several other delegations stated that stricter border controls and interception measures can lead to the increase in the use of illegal channels, including smuggling, and place refugees and others using such means in personal danger. Importantly, delegations referred to the need to treat intercepted persons with dignity and humanely.

Secondary Movements from Countries of First Asylum

A number of delegations stated that secondary movements of persons from first countries of asylum was threatening public support in some countries for refugee protection principles.

It was pointed out by other delegations that the overwhelming burden rests with developing countries that host the large majority of refugees worldwide. Further, delegations supported the fundamental right to seek asylum, but noted that weak asylum systems in some countries may explain secondary movements and that the causes of illegal migration should be addressed in a comprehensive manner.

Strengthening asylum systems in countries of first asylum, and offering protection capacity building opportunities, including establishing national legal and protection frameworks, was also raised as an effort to reduce secondary movements.

One delegation cautioned against restricting the refugee definition in the Convention in order to deter mixed flows, and suggested that introducing various disincentives could be a more appropriate way to curb these flows.

The introduction and expansion of legal migration programs was raised by a number of delegations, as one means of offering opportunities for persons now forced to use asylum systems. Others were of the view that legal migration programs would not solve the problem alone.

A few delegations felt that harmonized procedures, criteria and reception standards across regions and internationally could also contribute to a reduction in the secondary movement of persons.

One country referred to their program which grants persons the opportunity to submit their claims for asylum while they are still in the country of origin. This offers an additional opportunity for people in need of protection to reach safety.

Return of Rejected Asylum Seekers

There was broad consensus that the credibility and integrity of the asylum system would be enhanced by the quick and effective return of persons found not to be in

need of international protection, in a dignified way. Some delegations raised the concern that such return should be voluntary. It was recognized that in practice it can be difficult to return rejected cases and in this regard, suggestions were made by several delegations to increase inter-State cooperation, including the negotiation of readmission agreements.

Public Opinion

It was also recognised that respect for refugees would lead to enhanced public support towards a culture of refugee protection, solidarity and tolerance.

Several delegations encouraged political leaders to show enlightened leadership and to recognise their duty to uphold basic values underpinning the Convention and Protocol.

Information campaigns in countries of origin were mentioned by a number of delegations, as an important element in a strategy to curb illegal migration, encourage orderly migration and dissuade people from resorting to traffickers and smugglers.

Need for more Research and Analysis

A number of delegations called on the need for more information on and better understanding of the nexus between migration and asylum so that people in need of protection find it, and that people wishing to migrate have options other than through the use of the asylum channels.

UNHCR and IOM were encouraged to continue their co-operative dialogue in addressing these issues, as well as studies on more detailed and comparable statistics on the size, type and composition of migratory flows, are needed. More information and analysis was considered necessary on the causes and ramifications of international movements.