

**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 2

**“International Cooperation to Protect Masses in Flight”
(*inter alia* mass influx, burden and responsibility sharing,
security and additional instruments)**

13 December 2001

Madam Chairperson, Your Excellencies, Distinguished Delegates, Ladies and Gentlemen,

Roundtable 2 considered the topic “International Cooperation to Protect Masses in Flight” (*inter alia* mass influx, burden and responsibility sharing, security and additional instruments). As you might imagine, the issues raised by this topic generated a rich and lively debate. On behalf of the participants in Roundtable 2, I am pleased to provide the following report.

Madam Chairperson,

Large-scale displacement of populations gives rise to great challenges for the international community. As many delegations noted, most of the burden of masses in flight falls upon host nations, many of which are developing countries or countries with economies in transition. In these circumstances, faced with providing for the humanitarian and security needs of refugee populations, the provisions of the 1951 Convention can seem theoretical or impractical. Delegations were unanimous that the 1951 Convention remains (and should remain) the cornerstone of international efforts to provide protection to refugees. We took this as our starting point: that refugee protection is an international obligation under the 1951 Convention and that – because the problem of refugees is global in character – greater and stronger international cooperation is required to ensure refugee protection.

Of course it is not possible to reflect all of what was said during the Roundtable discussion in just ten minutes, but a number of themes did arise during our discussion. For the sake of simplicity, I have organised this summary under the following four headings.

- Asylum Procedures in Mass Influx Situations
- Demilitarisation of Refugee Camps and the Civilian Character of Asylum
- International Burden/Responsibility Sharing
- Early Warning and Prevention

Asylum Procedures in Mass Influx Situations

Although the 1951 Convention does not deal explicitly with mass influx situations, neither is it restricted to individual refugee status determination. It was recognised by all participants that the 1951 Convention applies in mass influx situations. Nevertheless, the individual determination of refugee status in such situations is often impractical. All agreed that the prima facie or group determination mechanism is a useful device in these instances. Furthermore, there was a strongly held view that refugees recognised on a prima facie basis are entitled to the same rights as refugees recognised under an individual refugees status determination scheme. The temporary protection device was also generally approved as a practical approach to large-scale influxes. Some delegations emphasised that resort to temporary protection must be rooted in legislation with appropriate safeguards to protect against refoulement. Reference was made to the OAU Convention and the Cartagena Declaration as useful models, especially where temporary protection was employed. One delegation noted that modern means of transportation rendered burden-sharing easier, and several supported the humanitarian evacuation model.

Demilitarisation of Refugee Camps and the Civilian Character of Asylum

Frequently mentioned was the necessity of protecting the civilian nature of asylum. A number of speakers made reference to situations in which armed elements had used refugee camps as bases for military attacks on countries of origin or had held refugee populations hostage for the achievement of political aims. One delegation noted that the presence of refugee camps in these circumstances could give rise to accusations that host countries were harbouring subversives. This can lead to regional destabilisation. Delegations were therefore unanimous that refugee camps should be disarmed and that it was the responsibility of the host State to do so.

Some question was raised as to the status of former-armed elements – whether they should benefit from international protection or whether they should remain permanently excluded.

Burden/Responsibility Sharing

All delegations emphasised the need for burden/responsibility sharing. Some delegations raised suggestions for the most appropriate mechanism to achieve this. While all felt that UNHCR played a central role in this regard, it was also felt that a regional approach to refugee problems was also an important tool. The Comprehensive Plan of Action for Indochinese Refugees was noted as a possible model.

No delegation questioned the centrality of the principle of non-refoulement. Several delegations suggested that greater proactivity was needed in the search for solutions, especially in respect of voluntary repatriation, in order to avoid protracted refugee situations. Similarly, a number of delegations suggested that more resettlement opportunities for refugees would ease the pressure on countries hosting large refugee populations. Resettlement countries were encouraged to be more flexible in their selection criteria. As one delegation noted, countries of first asylum do not get to choose among asylum-seekers.

A number of references were made to the need for more systematic registration of refugees and asylum-seekers. Several speakers identified registration as a key factor in establishing priorities, allocating resources, identifying vulnerable groups and promoting solutions.

Several speakers supported the suggestion raised by one delegation that a standby World Fund be established to deal with mass influx situations. It was suggested that the World Fund could have regional allocations. A model established by the European Union was noted.

Early Warning and Prevention

Several delegations emphasised the need for a situational approach to mass refugee influxes. It was felt that a fundamental component of this approach was the development of an early warning and prevention capacity in order to address root causes of refugee flows. Several delegations noted that initiatives to protect human rights and avoid conflicts in countries of origin could prevent the development of circumstances that caused flight. Others noted that ensuring the sustainability of return would discourage the need for further flight. Sustainable return was also felt to create conditions conducive to further return.

Greater attention of the international community to the problem of internal displacement was felt to be a key factor to reducing external refugee flows. This point, of course, is inextricably linked to discussions on burden/responsibility sharing. With regard to IDPs, some delegations made reference to the possibility of establishing safety zones and humanitarian corridors in the country of origin. Several speakers pointed to the need to strengthen the application of International Humanitarian Law, which protects civilians in times of armed conflict.

In conclusion, Madam Chairperson,

I would like to say that there is a bottom line. The bottom line is that international cooperation is needed to protect the lives and human rights of refugees.

And finally, on behalf of all delegations, I would like to thank UNHCR for taking the initiative of the Global Consultations process.