



**Ministerial Conference
“Quality and Efficiency in the Asylum Process”
(Brussels, 13-14 September 2010)**

**Introductory remarks by the Office of the
United Nations High Commissioner for Refugees**

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Excellencies, Ladies and Gentlemen,

On behalf of the High Commissioner who cannot be here with us today because of an urgent mission to Pakistan, let me thank the Belgian Government for inviting UNHCR to address you today. We are grateful to Belgium for giving high priority to asylum issues during its EU Presidency.

Asylum is deeply rooted in humanity and in European tradition. Despite its international dimensions, its implementation takes place at the national level where it is at times constrained by national politics at the expense of those the tradition seeks to protect. The European Union has set itself the unprecedented goal of creating a Common European Asylum System. The road there has been long, some may say arduous, and the system is far from complete. I dare say this is at least in part because the issue goes to the heart of national sovereignty. The event today is therefore very timely.

The Lisbon Treaty has provided the legal basis for moving towards achieving the European Union's goal of a common asylum procedure and uniform status, based on the 1951 Convention and other relevant treaties. The Stockholm Programme underlined Member States' political commitment to further develop the Common European Asylum System and identified the ambitious deadline of 2012 for doing so. However, the development of the European Union's shared protection framework must be an ongoing, evolutionary process. It will not come to an abrupt stop on a specific date. This process is a long-term investment, that will enable norms and processes to respond to the changing demands of a globalised and — unfortunately in many regions — a conflict-beset world.

The key question facing States, institutions and other stakeholders in Europe, and elsewhere, is how to ensure that persons who are forcibly displaced are indeed able to find international protection. This question is being posed now at a regional level, in a European context that is different from that faced by the framers of the 1951 Refugee Convention. Yet that global instrument established a refugee notion that is timeless, one that applies in today's world as it did when it sought to respond to the needs of populations displaced by the atrocities of the Second World War and persecution on a massive scale.

The refugee definition based on a well-founded fear of persecution was and remains adequate to cover all those in need of international protection owing to a rupture with their country of origin. The definition was meant to distinguish persons who cannot safely return to or obtain the protection of their country because of the political situation there -- refugees -- from others who do not require international protection.

Addressing the asylum challenge in the EU today requires a range of responses. This includes building on the progress achieved in just over ten years since Tampere and Amsterdam. These achievements should not be under-estimated. At the time when the

harmonisation project began, it was difficult to imagine that States would be able to move away from a nationally-centred framework. Yet today we have not only a regional codification process in the form of common EU minimum standards, but also a European Asylum Support Office which will provide a forum for Member States to work together on strengthening asylum systems, supported by UNHCR and the other stakeholders.

In UNHCR's view, there are five key areas where further efforts are needed to strengthen the Common European Asylum System. First of all, practical cooperation is a key ongoing effort. This has been the major focus of these two days. This conference has provided an invaluable opportunity for exchange and innovative thinking among experts on ways to reduce discrepancies and address gaps in implementation.

Responsibility sharing is a second critical area and it needs to go beyond allocation of responsibility based primarily on geography. UNHCR welcomes the dedication of a specific working group on this topic at this Conference. The mechanisms for responsibility sharing that we see today in the EU are not leading to the desired results, neither for asylum-seekers and refugees nor for EU Member States. The system established by the Dublin Regulation is not at present able to guarantee access to a fair asylum determination in each and every Member State. New thinking is needed in the area of responsibility-sharing within the EU. At the same time, the importance of sharing responsibility with States outside the EU -- who often have significantly less capacity and greater refugee numbers than those in the EU -- needs to be stressed.

The third area is to work further on legislative standards as a necessary part of establishing a Common European Asylum System. For the Common European Asylum System to comply with the international standards that bind all Member States, it is critical to reach agreement on amendments that will improve existing provisions. UNHCR is aware of the sensitivities surrounding the legislative proposals felt by many

States. However, there is an urgent need to remove the ambiguities, exceptions and wide derogations that currently exist in some provisions, and which contribute to injustice and divergent outcomes in many asylum cases as well as undermine the shared broader vision.

Fourthly, coherent legal interpretation and guidance from independent judicial bodies are necessary. As States founded on the rule of law, EU countries rely on courts to ensure that obligations are clearly defined and respected, and that the law is applied without discrimination or error. National courts are working with laws that transpose the *acquis*, and their interest in learning about each other's jurisprudence is most welcome. The role of the Court of Justice of the EU in providing overarching guidance will be crucial. Engagement with the courts and development of a comprehensive body of jurisprudence will be a critical way to further reinforce the Common European Asylum System and ensure it can adapt to challenges facing it, both at present and in the future.

Fifth, information gathering, common analysis and a broader perspective, looking beyond the EU's borders, are vital ingredients in this process. The Commission's evaluations of practice, studies conducted by UNHCR and civil society, and the work of the Fundamental Rights Agency (such as its three recent studies on detention, access to information and remedies) all contribute to the process of developing and refining refugee laws and asylum processes.

The present Conference also provides a valuable opportunity in this respect. By bringing together States, EU bodies, international organisations, civil society and academia, it offers a platform for exchange that is broader than most existing EU forums. We also invite the EU and its stakeholders also to look beyond Member States' borders. The structure of UNHCR's Executive Committee (our governing body) and its working processes enable you to interact with representatives of other asylum states from other

regions of the world, including those that host large numbers of refugees in or close to their regions of origin.

There will be important opportunities for this later this year. The High Commissioner's December 2010 'Dialogue on Protection Challenges' will focus on protection gaps and responses. In 2011, UNHCR will convene a series of expert meetings and consultations leading up to a ministerial meeting in December next year to mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. Such dialogue and interaction has the potential to enhance mutual understanding and build a more coherent international protection system.

Let me conclude by recalling the human dimension of asylum which must remain at the heart of our discussions. We are talking about the lives of individuals and families — people fleeing persecution or serious harm who have legitimate hopes and aspirations, just as we all do. Too often we run the risk of losing sight of this when we debate theoretical principles and processes.

And there is a second personal dimension which is worth mentioning. Every day we encounter officials all over Europe at the forefront of this work who are deeply committed to the principles of refugee protection, and to fair outcomes based on the application of the law. It is vital to ensure that they are given the tools, including the training, the structures, the resources and the legal norms that they need to do that job. Perhaps most importantly of all, they must also receive clear signals from their political leadership that the EU continues to be fully committed to building and sustaining an asylum system that can deliver protection to those who need it.

Thank you.