

**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 1**

**“1951 Convention and 1967 Protocol Framework:  
Strengthening Implementation”**

**13 December 2001**

The discussion held in the roundtable on strengthening implementation of the 1951 Convention and 1967 Protocol was valuable and productive with contributions made primarily by discussants but also by observers.

Many delegates referred to the value of the Global Consultations process over the last year and to the need to identify a forum in which such consultations can be continued. Delegates also reaffirmed that primary responsibility for ensuring full and effective implementation of the 1951 Convention and 1967 Protocol lies with States Parties and stressed the importance of cooperation with UNHCR in the exercise of its functions.

In particular, there was a general sense among the participants that it was desirable to take further the idea of reconstituting and reviving EXCOM's Sub-Committee on International Protection. This could represent a potentially useful forum for identifying refugee protection issues and forging solutions, thus assisting the proper implementation of the 1951 Convention. There was a general sense that it would be important for the reconstituted Sub-Committee to have a broad-based participation and input, including from NGOs, expert advisers, as well as non-state parties. UNHCR was also encouraged to be more detailed, more specific and more dynamic in its reporting on protection issues.

**Problems in the implementation of the 1951 Convention and 1967 Protocol**

Delegates identified a number of problems which hamper the full implementation of the 1951 Convention. These include:

- the need for an appropriate legal and administrative framework to determine those in need of international protection and its proper application in practice;
- the need for clear and coherent interpretation of international provisions and obligations;
- abuse of the asylum system which weakens its credibility;
- practical constraints, including of a social-economic nature, in dealing with large numbers and/or protracted refugee situations;
- political factors such as the need to tackle racist and xenophobic trends.

### UNHCR's supervisory responsibility

In order to address some of these problems and improve implementation, many delegates stressed that any measures taken should not undermine the role of UNHCR. Several delegates spoke of the need to strengthen the international protection role of UNHCR, including the Department of International Protection. They called upon both developing and developed States to use UNHCR more to assist, for instance, the process of introducing legislation and its fair and effective implementation.

### The importance of cooperation and capacity building to improve implementation

One issue which received wide support was the need for enhanced cooperation among States, other actors and UNHCR in order to improve implementation.

At the national level, one delegate mentioned the important role played by judicial and independent national advisory institutions in ensuring the fair implementation of legislation. One issue to which many delegates referred was the need to build national capacity so as to enable States, which often had only limited resources, to ensure the proper status determination, reception and integration of asylum-seekers and refugees. In this respect, burden and responsibility sharing efforts are vital in many states.

At the regional level, one delegate referred to the valuable and positive cooperation among the Mercosur countries in Latin America in the drafting of national asylum legislation. Another delegate mentioned that it would be useful to enhance cooperation between national human rights bodies at the regional level. Yet another raised the possibility of establishing direct linkages between regional committees, for instance under the OAU, and the UNHCR secretariat.

At the international level, a number of delegates referred to the importance of quasi-judicial international bodies, such as the human rights treaty monitoring bodies and mechanisms, which can also be used to enhance international refugee protection.

Another issue which was mentioned was the importance of creating an environment of tolerance among host societies, if the 1951 Convention is to be fully applied.

### Ways forward

Many delegates stressed that rather than creating new mechanisms existing ones should be enhanced. One delegate preferred a team approach to an adversarial one. Another called for the creation of an independent advisory group appointed by the High Commissioner.

Delegates favoured flexible, creative approaches to situations rather than more rigid structures. On this basis, the clear idea which drew considerable support was, as I have already mentioned and as is suggested in the draft Agenda for Protection, to reconstitute a reformed Sub-Committee on International Protection. This would provide a forum to bring together the parties most interested in protection issues to address them in a systematic, detailed and yet dynamic way. NGOs were described as having a constructive role and input and NGO dialogue with governments was seen as

able to improve the asylum situation, although the NGO delegate also said that criticism was sometimes needed.

I am pleased that we have moved forward in this discussion and look forward to strengthening cooperation in this crucial area. In particular, the proposal to revive the Sub-Committee on International Protection should be formally incorporated into the Agenda for Protection. In the interim period, the details of the mandate for the Sub-Committee should be worked out.