

**Statement by Mr. Ruud Lubbers**  
**United Nations High Commissioner for Refugees**  
**to the Ministerial Meeting of States Parties to the 1951 Convention**  
**and/or 1967 Protocol relating to the Status of Refugees**

**(Geneva, 12 December 2001)**

Madam Chairperson,  
Mr. President of the General Assembly,  
Madam President,  
Mr. Director-General,  
Excellencies,  
Ladies and Gentlemen,

I would like to begin by thanking the Swiss government for the invaluable role that it has played in co-hosting and helping to organize this meeting. It is fitting that this meeting should be taking place in Geneva, where the Refugee Convention was negotiated, drafted and agreed upon fifty years ago.

For the last fifty years, the 1951 Refugee Convention has been the foundation of the international system of refugee protection. UNHCR's work has been built on it. Millions of people throughout the world have been able to find safety and new lives because of it. It has also helped States to have a more predictable and co-ordinated approach to a growing international problem.

As you know, the Global Consultations on International Protection were launched last year. This process is running on three tracks. The first reaffirms the continuing validity and centrality of the Convention and focuses on how to strengthen its implementation. The second considers mainly legal but also some practical dilemmas relating to implementation. The third explores the challenges of modernity and issues related to refugee protection which are not adequately covered by the Convention.

The Ministerial Declaration, to be adopted at this meeting, reflects the challenges that lie ahead. Indeed, it will provide a solid base for an Agenda for Protection for the 21<sup>st</sup> century.

Today there are more than 22 million people of concern to my Office. These include, amongst others, refugees, asylum seekers, returnees, internally displaced people and stateless people. All of these are people who are not able to benefit from the protection of their own governments. All of them are products of political failure.

The United Nations, which is based on the principle of State sovereignty, understood early on that nations must be responsible for those who are the victims of violence, persecution and fear. For politics can bring people together; but it can also divide people. Those who are not protected by their own governments must have international protection.

Over the course of the last fifty years, refugee protection has – for the first time ever – been truly globalized. A network of institutions, norms and laws have been developed to deal with refugee problems wherever they manifest themselves. UNHCR now works in countries throughout the world, and the 1951 Convention, together with its 1967 Protocol, is now in effect a universal charter of refugee law.

But new problems have arisen. In the new international political environment, we see governments refusing to accept refugees because they are so many; refusing to accept them because they are mixed up with economic migrants; refusing to accept them because of a lack of burden sharing amongst States.

Increasingly, burden sharing has become the key to finding solutions for refugees. It is about achieving a productive symbiosis between host countries and cash-donor countries. UNHCR has to play a vital role in this regard, facilitating burden sharing arrangements among States that have a common interest in finding solutions for refugees. This has been a key cross-cutting concern in the Global Consultations process.

Voluntary return, local integration and resettlement: these are, as you know, the three durable solutions for refugees. In many cases, governments will only agree to assist in achieving these solutions when a fair system of burden sharing is in place.

At the same time, refugees should not be seen solely as a burden. Without underestimating the humanitarian and security issues related to the presence of large refugee populations, it must be recognized that refugees are not merely the beneficiaries of humanitarian aid. They can make positive contributions. They can enrich our societies, as many – including President Vike-Freiberga here on the podium today – have done in the past. Rather than marginalizing refugees, our challenge is to find ways of empowering them, so that they can contribute to our societies.

We must ensure respect for the individual dignity and worth of each and every refugee. Perhaps this is the most important point: to understand that refugees have an enormous capacity to become valuable citizens. Not a burden; not a risk; but valuable citizens. Recognition of this is where durable solutions and good governance for refugees begins.

When I assumed office as High Commissioner less than a year ago, I found it interesting to hear Ministers like Jack Straw and Phillip Ruddock strongly urging more solutions to be found for refugees *within* their regions of origin. This was also the *leitmotif* of the High Level Working Group of the European Union. At the same time, I was having discussions with the governments of Pakistan and Iran, who were together hosting the world's largest refugee population, and who were telling me about their extreme disillusionment with the fact that burden sharing was not taking place.

This is the paradox: If all countries lived up to their obligations with respect to refugees, there would be no problem of burden sharing; but countries are not prepared to live up to their obligations unless there is burden sharing.

Globalization has not brought an end to violence, persecution and failing states. This is illustrated by the fact that today there are over 22 million people of concern to UNHCR. In responding to the needs of these people, we have to ensure effective partnerships between political actors, humanitarian organizations, development agencies, human rights groups and many others. Indeed, one of the biggest challenges today is to ensure adequate coordination of this multiplicity of actors.

The 50<sup>th</sup> anniversary of the Convention provides us with an important opportunity to reflect on the structures currently in place to protect refugees and to find solutions to their plight. Obviously protection alone, narrowly defined, is not adequate: refugees need both protection *and* solutions.

We must do more to prevent protracted refugee situations, where refugees languish for decades in refugee camps. Afghanistan is a case in point. The international community must seize the opportunity now to assist the Afghan people and their government to build sustainable peace, democracy and respect for human rights in the country. This will enable millions of Afghan refugees to return safely to their homes and to participate in the new Afghanistan.

Ladies and gentlemen,

The 50<sup>th</sup> anniversary of the Convention is an opportunity. It allows us not only to reaffirm our commitment to the principles of refugee protection, but to reflect on where we stand today. We need to think creatively to address both old and new problems that are not adequately addressed by the Convention.

We must work together to create a positive climate for refugees and asylum-seekers. Indeed, we must create a culture of respect. Unfortunately, governments' policies towards refugees and asylum seekers are often based on fear and mistrust. We must overcome this fear. Political leaders are no leaders when they fuel anti-foreigner and anti-refugee sentiments, contributing to this cycle of fear and mistrust. We have nothing to fear. No problem is intractable when States are willing to come together to resolve it. Let us therefore show the same courage as the framers of the Convention.

The Convention is fundamentally about freedom from fear. This is no less important today than it was fifty years ago. Indeed, throughout history people have had to abandon their homes and seek safety elsewhere to escape persecution, war and violence.

All the world's main religions incorporate concepts such as asylum, refuge, sanctuary and hospitality for people who are in distress. The values on which the Convention is based are timeless. The Convention should be seen as a hallmark of the civilized world and an integral part of nations that are united. It is about respect and responsibility towards our fellow human beings. It recognizes that this responsibility cannot be limited by borders. It spells out the obligations and rights of refugees, and the obligations of States towards refugees.

Universal recognition of the Convention and its Protocol is the cornerstone of the international refugee protection regime. 141 States are now parties to one or both of these instruments, and I hope that others will soon accede. But accession is only a first step. Governments must ensure its full and effective implementation through appropriate national legal frameworks and protection structures.

At the same time, we need more than a legal framework in order to protect refugees and find durable solutions. A globalizing world needs a global governance structure for refugees, to provide new opportunities.

UNHCR is at the service of governments. But to be effective, it needs the full support of governments. More must be done to ensure that UNHCR is adequately funded and positioned to act as an essential partner for governments in the global governance of the refugee phenomenon.

We must do more to address the links between migration and asylum. The Convention is not a migration control instrument, and it must not be blamed for States' inability to successfully manage illegal migration. But the difficulties of managing mixed flows of refugees and other migrants must not be underestimated. We must develop new approaches, tools and standards to strengthen the legal and physical protection of refugees, while separating out the undeserving. Indeed, this has been the subject of considerable reflection during the Global Consultations process.

A particularly worrying development is the rise in human smuggling and trafficking. With regular arrival routes closed, many refugees turn to smugglers to reach safety, in spite of the dangers and the financial costs involved. Other migrants portray themselves as refugees to overcome immigration barriers. The result is a blurring of the distinction between refugees and other migrants, and a stigmatization of refugees as people trying to break the law. Here there is another dilemma. Unless governments do more to find lasting solutions for refugees, more of them will fall into the hands of human smugglers, traffickers and criminal networks. Who is then fuelling crime? Fleeing refugees or failing governments?

Finally, we must do more to address the root causes of forced displacement. The real challenge is to create an environment in which people are not forced to flee their homes in the first place. Of course, it is better to bring safety to people, not people to safety. But when the international community fails to do this, as it frequently does, we must uphold the right of people to seek and enjoy asylum. We must also ensure that States cooperate, in a true spirit of burden sharing, to provide protection and assist refugees and to find lasting solutions to their plight. Above all, we must ensure that refugees are not forcibly returned to places where their lives may be at risk. These are minimum standards of humanity, and they are the basis of the 1951 Refugee Convention.

Thank you.