

**High-Level Review Meeting on
“Refugees, Migration and Protection”**

Serving the Follow-up to the 1996 Geneva Conference on the Problems
of Refugees, Displaced Persons, Migration and Asylum Issues and
organized jointly by UNHCR, IOM, OSCE and the Council of Europe

Minsk, 26 – 28 May, 2004

CHAIR’S CONCLUSIONS

Introduction

A High-Level Review Meeting within the framework of the Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues (also known as the CIS Conference Process) took place in Minsk from 26 to 28 May 2004.

The Meeting was organised jointly by the lead agencies UNHCR, IOM, OSCE, the Council of Europe, co-sponsored by the European Commission and hosted by the Government of the Republic of Belarus. It was co-chaired by UNHCR and IOM. All delegations expressed sincere thanks to the Government of the Republic of Belarus and the lead agencies for the excellent preparations of and facilities provided for the meeting.

The Participants included delegations from the CIS States, neighbouring and interested countries, international organisations and NGO representatives. The Meeting was opened with statements by Mr. Vladimir Drazhin, Deputy Prime Minister of Belarus and Mr. Brunson McKinley, Director-General of IOM and senior officials from lead agencies.

The CIS Conference process was an initiative launched 10 years ago by UNHCR and its partners in response to the challenges in the spheres of asylum, migration and forced displacement resulting from the dissolution of the Soviet Union. It led to the 1996 Geneva Conference on these issues which in turn produced a coherent and comprehensive Programme of Action on which a follow-up process involving all of the CIS States has been based.

The present High Level Review Meeting (subsequently referred to as the HLRM) was intended to provide participants with an opportunity to assess the progress which has been made in achieving the goals of the CIS Conference process and to identify remaining gaps and needs. The forum also provided an opportunity to discuss strategies and priorities for further activities and ways of strengthening cooperation between the CIS States and partners from international organisations, donor countries and NGOs in the spirit of international solidarity and burden-sharing.

The co-chairs have summarised the proceedings at the HLRM and their outcome in the following Conclusions:

Welcoming the significant achievements in the CIS region in relation to the "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues" (also known as the CISCONF), the Representatives of participating States of the

CIS region, subsequently referred to as Participating States, and lead agencies, supported by neighbours, friends, observers and NGOs, reaffirm the conclusion of the current process in 2005 and agree to build on CISCONF achievements to evolve towards a framework of cooperation including working consultations on the important issues.

Recognising the changes in the region both as regards the dynamics and evolving national priorities and capacities related to the problems of refugees, displaced persons, migration and asylum issues, and noting the new or remaining challenges in these spheres, the Governments of the Participating States invite international agencies to continue to provide facilitation of, and support to, the co-operation among the Participating States on initiatives related to these issues;

Participating States recognise the importance of including development priorities in the identification and implementation of solutions to and preventive measures against population displacement and in this respect the role of UNDP and other actors in supporting and implementing such responses.

Participating States invite civil society and NGOs to continue contributing to the implementation of principles and activities identified under the CISCONF; in this respect, participants of the HLRM recognise the necessity of continuing the support of activities of CIS NGO Working Groups in these areas;

Participating States in the region fully recognize and appreciate the important contributions of donors and invite them to continue supporting the implementation of principles and priorities identified during this HLRM;

Neighbours, observers, and friends welcome the efforts and achievements of the participating States and the lead agencies during the process and encourage further cooperation.

Participating States reaffirm the need to maintain a necessary balance between civil liberty issues and state security in the pursuit of the HLRM objectives

Concerning refugee and asylum issues

Participating States welcome the fact that all but one country in the region have ratified the 1951 Convention Relating to the Status of Refugees and/or its 1967 Protocol and that in several states specific legislative and administrative measures have been taken guaranteeing the personal safety and rights of those in need of international protection. The Participating States invite the remaining country to accede to the 1951 Convention and/or its 1967 Protocol. Participating States furthermore invite all states in the region to adopt such significant national measures based on high standards for international protection;

Participating States recognize that important issues remain to be addressed as regards the implementation of a fair and effective asylum system involving access to the territory, adequate reception facilities, the implementation of a refugee status determination process and the creation of integration possibilities for those found to be in need of international protection. Participating States recognizing the specific protection and legal mandate of the High Commissioner for Refugees' Office, invite UNHCR to continue providing support for, and facilitation of, initiatives to respond to these remaining challenges;

In particular, Participating States invite UNHCR to continue providing technical assistance for the capacity building of relevant administrative bodies and national court systems and training of border guards and law enforcement staff for the management of an adequate asylum procedure.

In this respect, Participating States recognize the importance of having information concerning the situation of asylum-seekers' areas of origin available and invite UNHCR to facilitate exchanges of such information;

The Participating States, emphasizing the need for and importance of reliable and complete data on asylum-seekers, refugees, migrants and displaced persons, agree to strengthen co-operation among the concerned States and with international agencies in relation to the registration and documentation of such groups. States and international agencies are particularly invited to share with Participating States existing experience in this respect;

In particular, Participating States recognize the importance of providing refugees including children with adequate documentation. Reaffirming the principles of the 1951 Convention Relating to the Status of Refugees and the 1989 Convention on the Rights of the Child, participating states are invited to adopt specific legislative and administrative measures in accordance with these instruments;

Participating States recognise that real opportunities for the local integration of refugees should be pursued by national governments and supported by UNHCR and other relevant development agencies;

Participating States recognise that in order to create a favourable climate for the integration of recognized refugees, a more positive and respectful attitude towards refugees should be fostered and public awareness programmes initiated to reduce xenophobia, discrimination and intolerance;

In many countries, possibilities for integration of refugees remain very fragile and difficult, often within a situation of significant national unemployment and limited integration capacity. In order to allow participating states to better develop adequate capacities integration, the Participating States invite international actors such as UNHCR, UNDP and other development agencies and international financial institutions, to support initiatives to improve such capacity;

Participating States recognise that where appropriate, States should consider granting a humanitarian status for individuals and groups who have been externally displaced by conflict, and who do not meet the criteria for recognition as refugees under the 1951 Convention relating to the Status of Refugees, but who are nevertheless in need of international protection, in order to legalize their refuge on humanitarian grounds and provide effective protection;

Participating States welcome the important contributions by civil society and NGOs under the CISCONF and wish to further strengthen the cooperation in developing and implementing responses to asylum issues.

Concerning migration issues

Participating States:

Affirm their recognition of the underlying principle of freedom of movement;

Recognise significant progress made since 1996, with an interim review in 2000, on national, regional and international levels in addressing issues of migration;

Acknowledge that migration is by its nature a dynamic phenomenon which requires continuing development and adaptation of legislation, policies and procedures consistent with international principles and practices, including provision for the management of labour migration;

Are prepared to strengthen institutions and actively implement existing legislation based on good practice and a thorough and holistic assessment of migration;

Invite Participating States which have not yet already done so, to sign and ratify the Convention on the Rights of All Migrant Workers and Members of their Families, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against Smuggling of Migrants by Land, Sea and Air;

Recognise the benefits of developing and harmonising national and regional mechanisms for collection and analysis of migration statistics;

Favourably consider developing or improving regulated migration channels for employment and self-employment purposes between countries within the region, as appropriate, and with countries outside the region;

Strive to increase attention to the treatment of migrants and to ensure protection of their rights according to international standards and national legislation;

Endeavour to enhance the capacity to ensure minimum standards of dignity and safety for reception and detention of irregular migrants;

Are prepared to facilitate voluntary return of irregular migrants and their sustainable reintegration, including training with a view to facilitating re-entry into local labour markets;

Concur on the benefits accruing from enhanced border management in the interest of both national security and freedom of movement of people;

Commit to combat trafficking in persons and urge countries both of origin as well as destination to do so through prevention, criminalisation, prosecution and international cooperation, and to protect and render comprehensive assistance to victims of trafficking;

Invite Participating States to support the ongoing work of the Council of Europe towards drafting a convention against trafficking in human beings, largely devoted to the protection of victims and open for accession by non-European states;

Agree to curtail irregular migration and smuggling of migrants through information dissemination and enhanced cooperation among border, migration and police authorities, and between neighbouring countries, in compliance with their responsibilities for the protection of the rights of asylum seekers, refugees and migrants;

Recognise the need for measures to facilitate the integration of lawful migrants and to curtail xenophobia and discrimination;

Strive to ensure access to proper travel documentation and to enhance capacity to issue secure travel documents and visas, and harmonise travel document requirements within the region, as well as to detect false documentation in the interest of national and international security;

Recognise the value of linking the remittances of labour migrants and the financial and qualified human resources of overseas communities to their home countries in the interest of social and economic development;

Appreciate contributions of the non-governmental sector and the value of further strengthening this sector with a view to participation in shaping migration policy and to assist and protect migrants and victims of trafficking;

Recognise the importance of, and undertake to sustain and enhance dialogue and cooperation on migration issues in existing and evolving bilateral, regional and international frameworks;

Building on achievements to date, invite IOM and other agencies concerned to promote and continue to engage in the technical cooperation, capacity building and assistance necessary to strengthen migration management on national, regional and international levels and to comprehensively address the evolving agenda for migration.

Concerning the avoidance and reduction of statelessness and the protection of stateless persons

Participating States undertake to adopt or revise citizenship legislation on avoiding and reducing statelessness as a consequence of state succession and to set up mechanisms enabling persons to establish their nationality; they will do so in accordance with provisions contained in the 1961 Convention on the Reduction of Statelessness and, where applicable, the 1997 European Convention on Nationality;

Participating States recognize the useful character of bilateral or multilateral mechanisms to facilitate the renunciation and acquisition of nationality in states not accepting dual citizenship and welcome the technical assistance provided by international organizations such as UNHCR, the Council of Europe and the OSCE in this regard. Participating States will consider acceding to the 1961 Convention on the Reduction of Statelessness and, where applicable, the 1997 European Convention on Nationality;

Recognising that despite efforts made by the Participating States to ensure the realization of the right to a nationality to all persons living on their territory, there are still cases of statelessness which can be addressed by providing a legal regime to persons identified as stateless notably in accordance with the definition contained in the 1954 Convention on the Status of Stateless Persons. Participating States are therefore considering acceding to the 1954 Convention and welcome technical advice to be provided by UNHCR on the accession and practical implementation of the said Convention.

Concerning formerly deported peoples (FDPs)

Participating States emphasise the need to speed up progress towards a comprehensive and durable solution of the problems still faced by remaining vulnerable groups of the Formerly Deported Peoples (FDPs). Such a solution should be based on: the protection of human rights, including the right to personal safety, by the country of residence; the elimination of statelessness and the early removal of obstacles to the acquisition of citizenship by those already entitled to it; the facilitation of return/repatriation to the country of origin or integration in the country of residence on the basis of a voluntary choice; the facilitation of resettlement to a third country, while ensuring respect for the rights of persons who remain in the country of residence; and the support for integration on the basis of equality, respect for human dignity and non-discrimination.

Concerning human security and forced displacement

Participating States reaffirm their commitment to respect international human rights and humanitarian law standards when undertaking measures to deal with situations of an increased security threat;

Participating States express concern for the security, safety and dignity of displaced persons, especially of those who find themselves in situations of protracted displacement. They stress the need to intensify the search for solutions for these persons;

Participating States recognize the importance of long-term stability for the protection of human security and reaffirm the importance of the United Nations Guiding Principles on Internal Displacement and call upon the international community to strengthen their efforts to assist in the peaceful settlement of conflicts on the basis of international law and in accordance with the principles of solidarity and burden sharing. The Participating States emphasise the importance of the international community's promotion of and support to the identification of solutions that states in the region are faced with;

Participating States believe that active interaction between governments, international institutions, non-government organisations in the Participating States in the work on crisis management and prevention is necessary;

Participating States emphasise the importance of undertaking relevant measures to contribute to the elimination of root-causes that could lead to movements including of involuntary relocating persons. Such measures should be based in particular on the full compliance with international Human Rights standards;

Participating States recognise that ensuring equal access for all categories of the population to economic opportunities is essential for eliminating the root causes of conflicts, violence and instability;

Activities, focused on the prevention of crisis and forced migration, remain an essential objective for the region as well as the related need to adequately respond to new threats;

Participating States acknowledge the role of civil society in the prevention, reduction and reconciliation of conflict, and elimination of xenophobia and discrimination.

Minsk
28 May 2004