



A Colloquium of the Graduate Institute of International Studies
in collaboration with
The Office of the United Nations High Commissioner for Refugees

SWITZERLAND AND THE INTERNATIONAL PROTECTION OF REFUGEES

Friday 3 and Saturday 4 November 2000
The Graduate Institute of International Studies
132 rue de Lausanne, Geneva

With the Support of

The Swiss Federal Department of Justice and Police
and The Swiss Federal Department of Foreign Affairs

Organised by the

Program for the Study of International Organisation(s) (HEI)

Open to the public
Conducted in English and French

ORGANISING COMMITTEE

Professors Andrew Clapham, André Liebich, Victor-Yves Ghebali, Vera Gowlland-Debbas and Dr. Daniel Warner (HEI), Mr. Philippe Leclerc (UNHCR), Professor Walter Kaëlin (University of Berne).

Assisted by: Vincent Chetail (Assistant, International Law, HEI); Valérie Clerc (Assistant, HEI-PSIO)

INTRODUCTION

Following the series of lectures on the Conference of Evian held at the Graduate Institute of International Studies in January 1999, the Institute plans to hold a two-day interdisciplinary Colloquium on *Switzerland and the International Protection of Refugees*. The Colloquium will be organised in collaboration with the Office of the United Nations High Commissioner for Refugees.

Focusing on the problems faced by Switzerland in the field of international protection of refugees as well as the specificity of its asylum law and practice, the Colloquium will address the refugee problem and Switzerland from the national, European and international perspectives. A review of Swiss asylum law and policy will serve to illustrate the wider problematic of on the one hand, the tensions between security, political and humanitarian concerns encountered by refugee-receiving states, and on the other, the need to preserve an international refugee protection regime which remains an essential component of international law and relations for so long as political solutions are not brought to the root causes of refugee exodus.

The Colloquium is planned around four themes:

1. The first examines the problems posed and the manner in which Switzerland has addressed refugee influx in the light of case studies relating to Jews from Nazi Germany and Hungarian and Czech refugees fleeing from Communist regimes, including the evolution of Swiss asylum law and practice.
2. The second addresses the question of access of refugees to asylum territories and refugee status determination procedures within the framework of the 1951 Convention on the Status of Refugees and the current Swiss asylum law.
3. The third centres on the wider protection regime which is being forged in Europe to address a broader category of refugees, including solutions for temporary and subsidiary protection.
4. The final theme revolves around return of refugees, including those under the Dayton and recent Kosovo agreements and covers reintegration of returnees, assistance and long-term development.

The speakers and participants will include academics, practitioners, Swiss political representatives, diplomats, and representatives from international organisations and non-governmental organisations.

PRELIMINARY PROGRAMME

Friday, 3 November

- 9.30-9.40 Welcome by **Prof. Peter Tschopp** (Director, HEI)
- 9.40-10.00 Keynote address by **Mrs. Erika Feller** (Director, Department of International Protection, UNHCR)
- 10.00-10.20 Coffee break

I - THE ROLE OF SWITZERLAND AS AN ASYLUM TERRITORY FROM A HISTORICAL PERSPECTIVE

Chair: Prof. André Liebich (HEI)

- 10.20-11.30 **Presentations:**
- *State and Society Facing Mass Migration in Past and Present: The Swiss Experience* - **Prof. Georg Kreis** (President Commission fédérale contre le racisme, membre de la Commission Bergier)
 - *Genèse et évolution du droit d'asile en Suisse et de la pratique en la matière* - **Mr. Urs Hadorn** (Directeur suppléant, Office fédéral des réfugiés, DFJP)
- 11.30-12.45 **Discussants:**
Prof. Antoine Fleury (Université de Genève), **Ms. Marie-Claire Caloz-Tschopp** (Université de Genève), **Prof. Walter Kaelin** (Université de Berne), **Mr. Ivor Jackson** (Former Deputy Director of International Protection, UNHCR)
- 12.45-14.00 Lunch

II - ACCESS TO TERRITORY AND ACCESS TO REFUGEE STATUS DETERMINATION UNDER THE NEW SWISS ASYLUM LAW

Chair: Mr. Philippe Leclerc (Head of Liaison Office for Switzerland and Liechtenstein, Regional Bureau for Europe, UNHCR)

- 14.00-16.00 **Presentations:**
1. Substantive issues:
 - *Non State Agents of Persecution* – **Mr. Volker Türk** (Chief of the Standards and Legal Advice Section, UNHCR)
 - *Gender-related persecution* - **Prof. Walter Kaelin** (Université de Berne)

2. Procedures:

- *Access to Territory and Safe Third Countries* - **Mr. Mario Gattiker** (CARITAS Suisse)
- *Procédures urgentes prévues par la Loi sur l'asile du 26 juin 1998* – **Ms. Claudia Cotting-Schalch** (Présidente Chambre V, Commission suisse de recours en matière d'asile)

16.00-16.20 Coffee/tea break

16.20-17.30 *Discussants:*

Mr. Urs Hadorn (Directeur suppléant, Office fédéral des réfugiés, DFJP), **Mr. Christian Levrat** (Porte parole et responsable du Département Protection, Organisation Suisse d'aide aux réfugiés)

18.00-20.00 *Reception*

Welcome Address by **Mr. Jean-Daniel Gerber** (Directeur, Office fédéral pour les réfugiés, DFJP)

Saturday, 4 November

III - SWITZERLAND AND THE EUROPEAN DIMENSION

Chair: **Prof. Peter Tschopp** (Director, HEI)

9.30-11.00 *Presentations:*

- *Institutionalization and Incorporation of Temporary Protection in Swiss Law* - **Mr. Jean-Daniel Gerber** (Directeur, Office fédéral des réfugiés, DFJP)
- *European Union Developments* – (EU Representative)
- *The Contribution of the European Court of Human Rights to the Protection of Refugee Rights* - **Judge Lucius Cafilisch** (European Court of Human Rights)

11.00-11.20 Coffee/tea break

11.20-12.45 *Discussants:*

Prof. Andrew Clapham (HEI), **Prof. Jean-Yves Carlier** (Faculté de droit, Université catholique de Louvain), **Ms. Boël Sambuc** (Vice-Présidente, Commission fédérale contre le racisme, DFI), **Prof. Giorgio Malinverni** (Professeur de droit constitutionnel, Université de Genève)

12.45-14.00 Lunch

IV - DURABLE SOLUTIONS

Chair: Prof. Victor-Yves Ghebali (HEI)

14.15-16.00 **Presentations :**

- *Return of Refugees to Former Yugoslavia* – **Mr. Toni Frisch** (Chef de la Section Europe, Asie, Amérique, Division Aide humanitaire et Corps suisse en cas de catastrophe, DFAE)
- *Reintegration of Returnees in Former Yugoslavia* – **Mr. Jacques Mouchet** (Co-ordinator, South Eastern Europe Coordination Unit, UNHCR)
- *The Stability Pact* – **Mr. Bodo Hombach** (Special Co-ordinator of the Stability Pact for South Eastern Europe, to be confirmed)

16.00-16.20 Coffee/tea break

16.20-17.30 **Discussants:**

Prof. Jean-Luc Maurer (Directeur, IUED), **Mr. Jean-François Durieux** (Vice Director for Europe, UNHCR), **Prof. Guy Goodwin-Gill** (Professor of International Refugee Law, Wolfson College, University of Oxford)

17.30-17.45 Concluding Remarks by **Prof. Vera Gowlland-Debbas** (HEI)

For further information and registration, please contact

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