

# **DRAFT**

## **YORK 2010 INTERNATIONAL CONFERENCE:**

### ***FORCED DISPLACEMENT, PROTECTION STANDARDS AND THE SUPERVISION OF THE 1951 CONVENTION AND ITS 1967 PROTOCOL AND OTHER INTERNATIONAL INSTRUMENTS***

Centre for Refugee Studies  
York University, Toronto, Ontario, Canada  
May 17-20, 2010

## **EVALUATION REPORT**

### ***Introduction***

This is a brief evaluation report on the York 2010 International Conference on “Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” that was held at York University, Toronto, Canada, on May 17<sup>th</sup> to 20<sup>th</sup>, 2010. This evaluation report is based on the following sources of information: the informal feedback that was provided by the presenters and participants at the international conference; the feedback that was provided by the York 2010 International Conference Coordinator, Nomusa Taylor-Dube, and the “War Crimes and Refugee Status Research Workshop Coordinator,” Eric Leung, both of whom played key roles in helping to plan, organize and manage this event, and a number of student Research Assistants who were hired and/or who volunteered to work at the international conference, along with the Centre for Refugee Studies (CRS) staff, particularly, Michele Millard, CRS Coordinator, who assisted in planning and coordinating this event from the outset. It is also based on the findings of an online questionnaire that was posted on the “Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” website, at <http://www.yorku.ca/fdpss/index.html>, and that international conference participants were asked to complete and submit. All international conference participants were sent emails shortly after the conference inviting them to complete and submit the online questionnaire. The online questionnaires were entirely anonymous and confidential.

The general conclusions that can be drawn from the analysis of the various sources of information gathered to evaluate the international conference was that it was extremely well received and that the participants were highly satisfied with all aspects of the international conference. It can also be concluded that this international conference fulfilled its overall objectives of bringing together some of the foremost authorities in the field of forced migration studies and international refugee law scholars as well as

accomplished refugee law jurists, advocates, and senior international organization officials from the UNHCR and other agencies to consider the most pertinent issues confronting the monitoring, supervision, and enforcement of international refugee rights.

***Brief Description of the York 2010 International Conference and its Objectives***

The objective of the York 2010 International Conference on “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments” was to bring together senior officials from the States Party to these international instruments, UN agencies such as the UNHCR, OHCHR (Office of the High Commissioner of Human Rights) and other international organizations such as the International Organization for Migration (IOM) and International Committee for the Red Cross (ICRC), International Labour Organization (ILO), senior jurists, legal scholars and other academics from a variety of disciplines, INGOs and NGOs, advocates, and undergraduate and graduate students to consider how best to enhance the UNHCR’s capacity to fulfill its onerous obligations to supervise these two seminal international refugee rights instruments as well as others.

It was hoped that a consensus would emerge or could be forged among the high level expert participants in attendance on a number of the legal issues and concerns raised during the course of the international conference. A draft report is being prepared on the outcomes of the international conference that will be made available to the UNHCR and all other participants at the international conference. The final report will be posted on the York 2010 International Conference website and will be made publicly available to all those who are interested in this vitally important and significant aspect of the international refugee protection regime and the protection of refugees and their fundamental international human rights, which rests at the very core of the international refugee protection regime.

***The York 2010 International Conference on “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments”***

The “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments” was held on fifth floor of the York Research Tower, York University, Toronto, Ontario, Canada, on Monday, May 17<sup>th</sup> to 20<sup>th</sup>, 2010.<sup>1</sup> The international conference program consisted of the following format: a welcome reception for international conference participants, that was held on the evening of Monday, May 17<sup>th</sup>, official opening and closing ceremonies, five plenary panel sessions, eight breakout group sessions, two plenary sessions to discuss the outcomes of each of the breakout sessions and three wrap up closing session, one each day. The principal conference organizer, Dr. James C. Simeon, also made brief opening and closing remarks each day.

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<sup>1</sup> “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instrument” About the Program, <http://www.yorku.ca/fdpss/program.html>.

The substantive portion of the international conference consisted of a two and a half day programme that adopted the following format. Each day commenced with a keynote address followed by two plenary sessions. This was then followed by breakout sessions for the international conference participants led by academic facilitators. The day ended with a plenary session in which the facilitators of each of the breakout sessions gave brief reports on the substantive content of their discussions. Each day concluded with a wrap-up session in which the international conference chairperson gave an overall summary of the day's proceedings. The international conference was chaired by Professor Guy Goodwin-Gill, Senior Research Fellow, All Souls College, University of Oxford, United Kingdom. We were fortunate and privileged to have Professor Goodwin-Gill, perhaps one of the world's foremost authorities and legal scholars in international refugee law, with us for the duration of our international conference.

The three keynote speakers were Dr. Volker Türk, Director, Division of International Protection, UNHCR, Geneva, who presented the opening keynote address titled, "UNHCR's Role in Supervising International Protection Standards in the Context of Forced Displacement;" Mr. Justice Nicholas Blake, President, Upper Tribunal, Immigration and Asylum Chamber, United Kingdom, who presented on "The Contribution of the Judiciary to the Protection of Asylum Seekers in the UK and the EU;" and, Dr. Sriprahapa Petchamsaree, Office of Human Rights Studies and Social Development, Faculty of Graduate Studies, Mahidol University, Thailand, and member of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, who's presentation was titled, "International Protection and Public Accountability: The Roles of Civil Society."

The international conference also featured the following plenary panel sessions:

- Judicial Experience in Supervising the *1951 Convention* and its *1967 Protocol*;
- Other Public International Law Supervisory Models: Possible Reforms, Proposals, and Ideas for Supervising Protection Standards in the Context of Forced Displacement;
- Effectiveness of Legal Instruments and Remedies in the Context of Forced Displacement (Global South);
- Effectiveness of Legal Instruments and Remedies in the Context of Forced Displacement (Global North);
- International Protection and Public Accountability: The Role of Civil Society.

The official opening and closing ceremonies for the international conference featured brief welcome remarks from Professor David Dewitt, Associate Vice-President, Research and Innovation, Social Science and Humanities, and Professor Susan McGrath, Director, Centre for Refugee Studies, York University. Dr. Mamdouh Shoukri, York University President and Vice-Chancellor, delivered a welcome address as part of the official opening ceremonies.<sup>2</sup> Dr. Barbara Crowe, Associate Dean Research, Faculty of Liberal

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<sup>2</sup> York University President Mamdouh Shoukri's video welcome address for the "Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other

Arts and Professional Studies, York University, brought greetings to the participants to start the second full day of the international conference on Wednesday, May 19<sup>th</sup>.

The international conference was an invitation only experts meeting based on Chatham House rules. The international conference featured senior jurists, legal scholars and academics, senior government officials, senior NGO and INGO officials, advocates and undergraduate and graduate students. There were more than 80 participants, in total, who attended our highly interactive and participatory international conference. It is interesting to point out that about half of those who attended our international conference had a formal role on the international conference programme.

The breakdown of participants at the international conference was as follows:

Undergraduate and Graduate Students	10
Justices/Judges/Decision-Makers	17
Academics/Legal Scholars	25
UNHCR	5
INGOs/NGOs	7
Senior State Officials	15 <sup>3</sup>

There was ample opportunity for both formal and informal discussions during the morning and afternoon health breaks and at the welcome reception and formal dinner that was held on the evening of Wednesday, May 19<sup>th</sup>. The international conference participants also had an opportunity to meet informally, of course, during the luncheons that were held over the two and half days of the conference.

### ***Informal Feedback Provided on the York 2010 International Conference***

Informal feedback was provided to the organizers throughout the York 2010 International Conference on “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments.” The informal feedback was received directly from the participants and through emails and letters that were received following the Research Workshop. Efforts were made to seek the immediate feedback of individual participants when the opportunity arose at the international conference and the days that followed the conference. The overwhelming response of those who participated at the international conference was positive and they

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International Instruments,” York University, May 18, 2010, <http://www.yorku.ca/fdpss/news.html>. (Accessed July 22, 2010).

<sup>3</sup> “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments,” About the Participants, <http://www.yorku.ca/fdpss/participants/index.html>. (Accessed July 22, 2010)

stated specifically that they thoroughly enjoyed the international conference arrangements, presentations and breakout sessions that allowed for open free flowing discussions. The principal organizer of the international conference, Dr. James C. Simeon, Assistant Professor, York University, also received a number of emails of congratulations from participants and letters on how well the international conference was organized and how smoothly it ran. They also stated that they found the international conference to be interesting and extremely valuable for their own work.

***Feedback Meeting with the York 2010 International Conference Coordinator, Research Workshop Coordinator, and the Research Assistants who Supported the International Conference***

A meeting was held with the students, who were hired to work on the planning and organizing that was required for the international conference. The meeting also included the students who were hired as Research Assistants (RAs) to do research prior to and to take notes during the international conference. This meeting was held shortly after the York 2010 International Conference had concluded. Logistically, it was noted that we had run into a number of snags. Unfortunately, there were some initial problems with the air conditioning system for the new York Research Tower. This caused some discomfort to the participants until the matter was finally corrected. In addition, on the last day of the international conference part of the conference proceedings were disrupted when window cleaners arrived to wash the windows on the exterior of the building on the floor that our international conference was taking place. The major technical difficulties at the international conference were the infrared wireless amplifying microphones that created irritating feedback at times. Although efforts were made to properly adjust these stand alone wireless microphones, the problem was never fully resolved. There were also occasional minor difficulties with the laptop computer and video equipment used by the presenters for their PowerPoint presentations. Although it took some time to work out these difficulties, they were all, in the end, more or less satisfactorily dealt with.

The feedback from the undergraduate and law students who were employed or who had volunteered to work on the international conference found it to be a very interesting and worthwhile learning experience. They enjoyed meeting especially the senior jurists, legal scholars, and senior officials who attended and participated in the international conference. Generally, it was a positive learning experience for the York undergraduate and graduate students. For many of the students, it was also their first high level legal international conference that they had attended. Consequently, it was a very unique experiential learning opportunity and a chance to make some important personal connections that might prove valuable in their future studies and with their career aspirations.

***Feedback from the Participants who Completed the Online Questionnaires***

Another means of evaluating the “Forced Displacement, Protection Standards and the Supervision of the 1951 Convention and its 1967 Protocol and Other International Instruments” was the use of a post-Research Workshop online questionnaire. All

participants were requested at the international conference to complete the online questionnaire that was posted on the international conference website at <http://www.yorku.ca/wcrs/>.

The York 2010 International Conference participants were sent emails on June 10<sup>th</sup>, 2010, inviting participants to complete the online questionnaires that were found on the password protection portion of the “Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” website.<sup>4</sup> The international conference participants were given more than two weeks to complete the online questionnaires. The deadline for submission was June 18<sup>th</sup>. A reminder email was sent to the international conference participants on June 16<sup>th</sup> to complete the online questionnaires by the deadline for submission on June 18<sup>th</sup>. However, in the end, only nine completed online questionnaires were received.

This poor response rate for the completion of our online questionnaires can be attributed to a number of possible factors. The York 2010 International Conference participants had already provided their informal feedback during and immediately following the international conference and, as a consequence, did not feel obligated to complete the online questionnaire. This is undoubtedly the case for those participants who sent emails and/or letters to the international conference principal organizer, Dr. James C. Simeon. The fact that the online questionnaire was entirely voluntary and the international conference participants were not given any incentives or inducements for completing the questionnaires may also help to explain why there was such a low completion and submission rate for our online questionnaires.

The online questionnaires were confidential and anonymous. The RAs and the Research Workshop and York 2010 International Conference Coordinators and staff and the principal organizer, Dr. James C. Simeon, were blocked from completing the online questionnaires. The results of the nine completed questionnaires are as follows:

### **1. How satisfied were you with the overall conference organization and arrangements?**

Three respondents indicated that they were “satisfied” and six indicated that they were “highly satisfied” with the overall conference organization and arrangements.

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<sup>4</sup> The Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments online questionnaire is found at the following web link, <http://ciirl.apps01.yorku.ca/forms/view.php?id=6>. The online questionnaire consisted of seven questions: 1. How satisfied were you with the overall conference organization and arrangements? 2. How satisfied were you with the international conference supplementary materials and participants' package or kit? (These are now available on our international conference website.) 3. How satisfied were you with the time allocated in the programme for the keynote addresses, panel sessions, and breakout sessions? 4. How satisfied were you with the time allocated for the health breaks (tea or coffee breaks) and lunches? 5. How satisfied were you with the international conference venue (5th floor York Research Tower)? 6. How satisfied were you with the international conference overall? 7. If you have any other suggestions, comments or concerns, please let us know.

**2. How satisfied were you with the international conference supplementary materials and participants' package or kit? (These are now available on our international conference website.)**

Two respondents stated that they were “neither satisfied nor dissatisfied,” three stated that they were “satisfied,” and four stated that they were “highly satisfied.”

**3. How satisfied were you with the time allocated in the programme for the keynote addresses, panel sessions, and breakout sessions?**

Three respondents said that they were “satisfied” and six respondents said that they were “highly satisfied” for the time allocated for the international conference programme.

**4. How satisfied were you with the time allocated for the health breaks (tea or coffee breaks) and lunches?**

Five respondents stated they were “satisfied” and four respondents stated that they were “highly satisfied.”

**5. How satisfied were you with the international conference venue (5th floor York Research Tower)?**

One respondent indicated “dissatisfied,” two respondents indicated “neither satisfied nor dissatisfied” and two indicated that they were “satisfied” and four indicated that they were “highly satisfied.”

**6. How satisfied were you with the international conference overall?**

Two respondents indicated that they were “satisfied” and seven respondents indicated that they were “highly satisfied” with the international conference overall.

**7. If you have any other suggestions, comments or concerns, please let us know.**

Only one respondent provided any additional comments and it is provided here in its entirety.

The rationale for the Conference was weak compared to the useful insights, papers and wonderful individuals participating. It was not so much about the UNHCR supervision of the 1951 Convention – Art. 35. It was about refugee protection as defined “ensuring individual asylum seekers get their legal entitlements” – and it displayed the range of actors beyond UNHCR involved in giving effect to legal entitlements surrounding the 1951 Convention and related provisions of human rights treaties. In fact the need which appeared from the Conference was to do better with

Art. 38 of the 1951 Convention. Maybe a better pretext for an excellent Conference next time!

It is interesting to point out that there was only one score of “dissatisfied” among all of those who completed the online questionnaire and this was on the question dealing with the conference venue. The specific concern being here, no doubt, the difficulties with the air condition in the building on the first day of the international conference. The international conference was blessed with exceedingly fine sunny and warm weather that week and for whatever reason the air conditioning in the new building was not function appropriately at the outset. This undoubtedly resulted in some frustration on the part of participants and found its expression in this lowest score on the online set of questions.

However, what is clearly the most satisfying part of the responses to this online questionnaire is the fact that out of the nine participants who completed this survey nearly 80 percent stated that they were “highly satisfied” with the international conference overall. The international conference organizers, of course, would be the first to indicate that there were a number of challenges throughout the proceedings and that international conference could have been organized and managed differently at different times. In short, the international conference was not perfect by any means. Nonetheless, it is highly gratifying to get such a high overall rating for a highly complex and challenging subject matter that involved some of the world’s leading experts and practitioners in the field who willing came together to try and work on such significant and important issues regarding the monitoring and supervision of the protection of international refugee rights.

Nevertheless, it would be highly perilous, of course, to draw any firm conclusions from the responses of nine out of some 80 participants who attended our international conference. These findings can not be generalized or extrapolated to include the views of the entire group of participants who attended our international conference. However, these responses to our online questionnaire are consistent with the overall positive evaluations that were received through various informal and formal channels of communication on how the participants found our “Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” international conference. Accordingly, this lends greater credence to our findings that our international conference was very well received by all those who participated.

### ***Conclusions***

From the information provided above it is fair to say that our ““Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” held at York University, Toronto, Canada, from, May 17<sup>th</sup> to the 20<sup>th</sup>, was rated highly by those who participated in the international conference, whether they were presenters, student RAs and/or organizers, and the invited participants. These findings are consistent across various measures used to evaluate the international conference as noted above. In this sense, then, it can be said that the objectives of our international conference were, in large part, met.



It can also be said that the “York 2010 International Conference on Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” met its overriding objectives of providing a forum for gathering the most pertinent and relevant information available that could assist policy-makers, senior States officials, senior international organization officials, and researchers to strengthen further the supervisory capacity of the UNHCR in its role as the principal guardian and leader of the international refugee protection regime and its overall protection and realization of international refugees rights.

The consistently high quality of the papers that were presented at the international conference are such that a book proposal for an edited collected volume will be submitted to Cambridge University Press by the end of July 2010. This is, indeed, another tangible indicator of the overall success of the “Forced Displacement, Protection Standards and the Supervision of the *1951 Convention* and its *1967 Protocol* and Other International Instruments” international conference.