

The 2nd Al Grasby Memorial Human Rights Address

by

Neill Wright

Regional Representative

United Nations High Commissioner for Refugees

National Press Club, Canberra

Friday 28 April 2006

[Check against delivery]

“Refugee Rights”

It is a great honour for me to have been asked to deliver the Second Al Grasby Memorial Human Rights Address here at the National Press Club in Canberra today. I wish to start by thanking Ellnor Grasby and Kevin Gill for their tireless efforts in making this event possible, and by thanking everyone here for their contributions, which I understand will be used towards a new wing at the Australian National University, a wing named after Al Grasby.

The history of these events stems from when Al Grasby started hosting four lunches each year for around 20 people at a restaurant in Kingston. These were charity events, with the proceeds going to street children (or “kids on the street” as he used to call them). The lunches stopped when Australia’s “father of multiculturalism” died, but the annual memorial addresses are now organised by a committee, and I will try today to do credit to keeping the principles and beliefs of Al Grasby alive, based on his life, his career, his writing and the many valuable insights which Ellnor has given me.

I am particularly happy to see so many women here today. Al believed in bringing people together to talk (he was a great fan of “Bring Your Own Grog” events, with music and dancing adding to the chance for a good dialogue). When he was faced with community tensions, he frequently told Ellnor that his most successful tactic was “to get the women talking”, since this helped ensure the peaceful resolution of many problems.

Al Grasby’s life, like mine, involved a lot of travel. I spent my formative years in England, prior to spending the last 35 years working abroad - mostly in Asia, Africa and Europe. In the past 14 years, I have worked with UNHCR in its responses to the population displacement from Bosnia & Herzegovina and Kosovo - stemming from the disintegration of Yugoslavia, in its response to the Rwanda crisis, as well as in Sri Lanka, and here in Australia.

Al Grasby was born in Brisbane, after his father and mother had migrated to Australia in the 1920s. After moving to England, he was raised in Torquay, and educated in Dartmouth. He trained as a journalist, and you won’t be surprised to hear that even as a teenager, he ran the local paper after the owner fled to Scotland due to the bombing of Dartmouth at the start of the Second World War. Al was enlisted into the Intelligence Corps in 1943, having lied about his age. Standing his tallest, he measured a grand 5 feet, 5 and a half inches. Uniforms in those days tended to be of the “one size fits all” type, but he overcame this by having his uniforms tailor-made, with each outfit having a self-designed badge on it declaring him to be “Australian”. As another example of his “rebel” spirit, when he was asked what languages he spoke, in his determination to impress, he wrote down “Kamilaroi” – an Aboriginal dialect from New South Wales that he had learned in Australia. As a result, many of his impressionable English friends

The views expressed are those of the author, and do not necessarily represent the views of the Office of the United Nations High Commissioner for Refugees.

believed “Kamilaroi” was the native tongue in Australia, rather than English. During his subsequent travels, he learned several other languages, including French, German and Russian.

At age 20, he returned to his much-loved Australia as a “ten pound migrant” and took up cattle ranching. When he discovered that the romance of life in the saddle wasn’t all it had been made out to be, he got a job as a journalist in Tasmania. During that period of his life, he was invited to visit Griffith, where Ellnor lived, and where he was asked to translate CSIRO guidance for the Italian immigrant farmers. Ever the entrepreneur, he managed to get the United Nations Food and Agriculture Organisation to fund a grant to send him to Italy to improve his language skills. On his return, he not only engaged in helping the Italian farmers, but in trying to resolve the tensions between the longer-standing English/Irish community and the more recently-arrived Italian immigrants. This perhaps signaled his entry into politics in 1965 – when he represented Murrumbidgee in the New South Wales Parliament, and it may also help to explain why Gough Whitlam later recruited him into the Labour Party, and subsequently gave him the Immigration Minister Portfolio between 1972 and 1974. After that, he became the Commissioner for Community Relations – during which time, he played a key role in administering the 1975 Racial Discrimination Act.

One of the things that he and I have in common, then, is having had the opportunity to bear witness to the differences and the similarities between cultures, between how people live their lives in different parts of the world, and to the ebb and flow of individual and state concerns about security, along with the balancing of those concerns with the need to ensure respect for human rights.

Before focusing more parochially on issues relating to refugee rights, let me just reflect briefly on the global picture regarding the balancing of security concerns with human rights concerns.

For many, the UN Summit in September 2005 came and went without much ado. From my perspective, I believe it demonstrated a new international commitment to better addressing human rights concerns, and a determination to prevent the recurrence of failures in the international community’s “responsibility to protect”, such as took place in Rwanda in 1994 and Srebrenica in 1995. The UN Summit resulted in a re-statement of commitments to achieve the Millennium Development Goals, to the strengthening of the Office of the UN High Commissioner for Human Rights, and to the creation of a Peacebuilding Commission and a standing Human Rights Council.

The new United Nations Human Rights Council has since replaced the Commission for Human Rights, following an overwhelming vote by the UN General Assembly on 15 March 2006. UN Secretary General Kofi Annan, who first suggested the creation of the new Council, said it gave the UN “a much needed chance to make a new beginning in its work for human rights around the world.”

Although I have experience in many aspects of international humanitarian law and human rights matters, I can only elaborate in the time available today on how such law pertains to the rights of refugees.

We live in a world which has around 15 million refugees, 9.2 million of which are of UNHCR’s mandated concern, the balance being Palestinian refugees who are under the care of UNWRA. The number of persons seeking to become refugees may happily be reducing each year at present, but I feel it is important to examine why I feel we should all respect refugee rights. Unlike many other needy individuals, refugees cannot avail themselves of the protection and support of their native Government, something most of us tend to take for granted. Refugees are more often than

The views expressed are those of the author, and do not necessarily represent the views of the Office of the United Nations High Commissioner for Refugees.

ever before being “negatively labelled”, rather than portrayed as persons who deserve our help, and who should be positively portrayed as being a real benefit to society, if only they are allowed to contribute. One explanation for the present negativity is that their movement in search of safety has become inextricably mixed up with the movement of migrants.

I have no doubt that one of the greatest challenges in today’s world is how to develop any coherence in how States deal with the difficult issues arising from the asylum-migration nexus.

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol relates to Article 14(1) of the 1948 Universal Declaration of Human Rights, which states that “everyone has the right to seek and to enjoy in other countries asylum from persecution”.

Gaining asylum and recognition as a refugee is often sadly just one step in the journey of a refugee. What refugees most need is a solution to their displacement, whether that be return to their country of origin (what UNHCR refers to as voluntary repatriation); local integration in a country of asylum; or resettlement in a third country.

If there is such a thing as a “queue” of refugees who have already found asylum in a country other than their own and have no potential solution other than to seek resettlement in a third country such as Australia, it can be argued that the very spirit of the Refugee Convention is that any individual genuinely exercising their right to flee persecution and seek safety through asylum in another country may obviously need to “jump the queue” in order to find safety from the more immediate risks they face.

With regard to their treatment of asylum-seekers, States signatory to the Refugee Convention take on obligations to provide protection to such highly vulnerable individuals. Two of the most important of these obligations are:

Firstly, in accordance with Article 3, to apply the provisions of the Convention to refugees without discrimination as to race, religion, or country of origin; and

Secondly, in accordance with Article 33, not to *refoule*, ie: not to send an asylum-seeker or refugee back to the frontiers of their country of origin where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or their political opinion.

It is often easier to explain these rights than to practice them in today’s world – one in which genuine asylum-seekers are just one element of mixed flows of migrants, smuggled and trafficked persons, and secondary movements of asylum-seekers who have been unable to find protection in their first country of asylum.

In such a context, let me just say a few words about migration. As the Global Commission on International Migration pointed out in its 2005 report, a first and essential principle in the formulation of migration policies is that women, men and children should be able to realize their potential, meet their needs, exercise their human rights and fulfill their aspirations in their country of origin, and hence migrate out of choice rather than necessity.

UNHCR has welcomed the GCIM report’s conclusions concerning irregular migration and the protection of refugees. Let me just quote Recommendation 17 of that report: *“In their efforts to stem irregular migration, States must respect their existing obligations under international law*

towards the human rights of migrants, the institution of asylum and the principles of refugee protection”.

In a number of recent speeches, the UN High Commissioner for Refugees, Antonio Guterres, has stressed the need for all migrants, whether or not they are in need of international protection, to be treated by host societies in a manner that respects their human rights and human dignity. While UNHCR recognizes the concerns of States with respect to the impact of migration on national security and social harmony, UNHCR also calls on governments, politicians and the media to desist from any activity that seeks to demonize or scapegoat people on the grounds of their national or ethnic origin.

Turning back to asylum-seekers and refugees again, in the last five years, the number of asylum seekers arriving in all industrialized countries has fallen by half. Asylum applications in 50 industrialized countries fell sharply for the fourth year in a row in 2005, reaching their lowest level in almost two decades.

Last year, the total number of asylum seekers arriving in the 38 industrialized countries for which comparable, long-term historical statistics are available was 331,600 - the lowest since 1987.

Despite a 15 percent drop in asylum claims last year, France was the top receiving country in 2005, with an estimated 50,000 new asylum applications. The United States came second with 48,800 new asylum claims. The UK was third with 30,500, and Germany was in fourth place with 28,900. Australia came in twenty second, with 3,210 new asylum claims.

When the number of asylum seekers is looked at in proportion to a country's total population, a slightly different picture emerges. Nevertheless, the per capita numbers of asylum seekers in Australia, New Zealand, the United States and Canada, remain considerably lower than in Europe. In 2005, when measuring asylum applications per 1,000 inhabitants, the top five countries were Cyprus, Austria, Sweden, Norway and Switzerland. Australia came in twenty sixth.

It is also interesting that the largest reductions in the number of asylum seekers between 2001 and 2005 were recorded outside Europe. Canada and the United States received 54 percent fewer asylum requests in 2005 than in 2001, while asylum applications in Australia and New Zealand reduced by 75 percent in the same period.

The High Commissioner for Refugees said recently *"These figures show that talk in the industrialized countries of a growing asylum problem does not reflect the reality. Indeed, industrialized countries should be asking themselves whether by imposing ever tighter restrictions on asylum seekers they are not closing their doors to men, women and children fleeing persecution."*

The High Commissioner has also pointed out recently that *"With the numbers of asylum seekers at a record low, industrialized countries are now in a position to devote more attention to improving the quality of their asylum systems, from the point of view of protecting refugees, rather than cutting numbers. Despite public perceptions, the majority of refugees in the world are still hosted by developing countries such as Tanzania, Iran and Pakistan."*

The right to seek asylum is perhaps the most important right in the journey which refugees face – often after losing everything they own - but it is only one of many rights which need to be respected if their journey is to have a happy ending. Finding solutions which bring their suffering

The views expressed are those of the author, and do not necessarily represent the views of the United Nations High Commissioner for Refugees.

to a close, allow them to recover their dignity, and to become productive members of society once more, has to be a shared objective. It is one that requires burden-sharing between the refugees, the States which provide asylum, local integration or resettlement, and the communities which receive them.

In my work for UNHCR, there is no doubt that the most rewarding moments have occurred when displaced persons find a solution which restores their self-respect and their sense of contributing to society again. In addition to their happiness on such occasions, I believe the second most important moment in their journey is when a country provides them with asylum.

In 2002, the Executive Committee of UNHCR, of which Australia is an active member, recommended that the reception arrangements put in place by States for asylum-seekers should be guided by certain considerations, including:

Firstly, that while there is scope for flexibility in the choice of reception arrangements, it is important that the various reception measures respect human dignity and applicable international human rights law and standards;

Secondly, that the reception arrangements can be mutually beneficial where they are premised on the understanding that many asylum-seekers can attain a certain degree of self-reliance, if provided with the requisite opportunities; and

Thirdly, that the key to the effective operation of any reception arrangements is when public opinion is favourable to asylum-seekers and refugees, and when there is confidence and trust in the asylum system.

This short review of the journey of a refugee would not be complete without considering the impact which xenophobia and intolerance is having. After the 9-11 bombings, and the subsequent efforts to combat international terrorism, the focus on tightening security and border controls has undoubtedly lead to restrictions on access to asylum. Ever-tighter immigration controls and more stringent visa requirements have combined to make travel for all of us, let alone for asylum-seekers, more difficult. I am sure they have also contributed to the global reduction in the numbers of asylum applications. But what impact have these changes had on the attitude of societies to asylum-seekers and resettled refugees?

In Australia, measured over the past few decades, the country has shifted from a “White Australia” policy to one that supports greater diversity. Nevertheless, the debate on multiculturalism following the Cronulla riots reveals doubts about whether the integration of refugees and migrants should require greater assimilation, or allow greater cultural freedom. Language and religious practice are amongst the most contentious issues in this debate. In regard to this, I would suggest that you ask yourselves whether becoming Australian is really so incompatible with communities being enriched by multiculturalism.

In an era in which we are all bombarded with constant reminders of the threats of nuclear proliferation, of international terrorism, of natural disasters, of race riots, of road rage, and the long list of other risks to our security, perhaps it is more than ever necessary to take a moment to reflect on whether we are all suffering from “compassion-fatigue”.

To have respect for the basic human rights of others seems to me to require both an understanding of what those rights are, as well as a willingness to act to protect them.

The views expressed are those of the author, and do not necessarily represent the views of the United Nations High Commissioner for Refugees.

Respect for refugee rights is a matter for us all, not just for Governments and specialists in international humanitarian law. If we want to live in a world where there is freedom to travel, and to exercise the right to seek asylum and find a solution to population displacement caused by conflicts, persecution and discrimination, then we must all try to ensure that legitimate individual and collective security measures do not penalise access to refugee rights.

One of Al Grasby's most famous speeches was entitled "*Credo of a Nation*". In it, he reflected on the history and the future of Australia. With regard to the latter, let me quote him "*Any realistic consideration of Australia's future- and therefore the future of the Australian people – must begin with the significance to Australians of events in the world around them. Just as no man is an island, so, too, no nation can exist for itself alone.*"

He went on to say "*Nevertheless, Australia is unique. It is in that part of the world in which the greatest demographic pressures of the next quarter century will occur. The political, economic and social implications of these changes will be of major importance to the people of Australia, and to our national policies and objectives.*"

He concluded by saying that the Australia of the future "*will not draw its strength solely from material resources, but from the evolution of a lifestyle which ensures that people are not imprisoned by progress, and which ensures the fulfillment of individual personalities and aspirations*".

I will close now with a reminder that the subject of refugee rights is one which we cannot afford to individually or collectively ignore. Asylum-seekers, refugees and migrants are very much a part of the world we live in, and I for one would argue that they are certainly as deserving of our attention as international terrorists.

I hope that in addressing the basic principles and the imperatives relating to respect for refugee rights, I have been able to share with you the reasons why my work in the service of refugees continues to motivate me to work for UNHCR.

Thank you for your attention.