

**Statement by Neill Wright**  
**UNHCR Regional Representative for Australia, New Zealand, PNG and the South Pacific**

3rd Session of the APC Workshop on Regional Capacity-Building for Durable Solutions  
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Chairman, Excellencies, distinguished guests, ladies and gentlemen,

I wish to start by adding my own gratitude in thanking the Government of China for hosting and facilitating this APC Workshop here in Beijing so generously. I am honoured to have been invited to address this third session.

As there are five speakers, I will limit my presentation to about 10 minutes.

In order to provide information on as many of the related issues as possible, I arranged for the four handouts: 1) a copy of the UNHCR's Agenda for Protection pocket handbook; 2) a copy of a UNHCR Convention Plus Update; 3) copy of a UNHCR publication entitled "Framework for Durable Solutions for Refugees and Persons of Concern: and 4) copy of the Convention Plus Core Group on the Strategic Use of Resettlement's paper on the "Multilateral Framework of Understandings on Resettlement", which was welcomed and given broad support by EXCOM in October 2004. States, UNHCR and relevant partners were urged to make full use of it. I cannot even précis these handouts in my allotted time, so I urge you to continue to study them.

So what have UNHCR and States been doing to build capacities for durable solutions for refugees and other displaced persons?

As we have heard in the past two days – a great deal of work is going on independently and bilaterally...but what about multilateral activity?

In addition to facilitating the work of the Convention Plus Core Groups, the next two slides may help us to see what UNHCR has been doing, as they outline the objectives of UNHCR's Agenda for Protection and UNHCR's Convention Plus initiatives, which have provided a useful focus in the period since the 2001 Global Consultations on International Protection.

Since then, a few more States have ratified the 1951 Convention and its 1967 Protocol, albeit very few additional States have started carrying out refugee status determination in the past 4 years. This is a State responsibility. Nevertheless, as the UNHCR Representative in Malaysia mentioned yesterday, last year UNHCR determined 50,000 individual cases, and UNHCR remains engaged in the RSD process in some 87 different countries around the world. Of the 145 States that have ratified the 51 Convention, some 102 actually carry out RSD at present. UNHCR has carried out a detailed review and has

prepared new “RSD procedural guidelines” in an attempt to increase global coherence, which I understand will be made public on 1 September 2005.

Burden-sharing, when interpreted as spending tax-payers money on strengthening the capacity of another State, is obviously not easy to “market” with national constituencies, but it does still offer ways of increasing national security, when carried out effectively, and I feel from what participating member States here have been saying that there is scope to expand burden-sharing between APC member States. I believe it is one of Confucius’ often used proverbs which says “*don’t give to others what you don’t want yourself*” – something we might all perhaps remember when considering how best to strengthen burden-sharing mechanisms

Addressing security-related concerns seems to me to have received a higher level of attention by States, rather than addressing rights-based concerns, or pursuing both in a coherent and collaborative manner. This is not surprisingly given the ongoing global fight against terrorism and criminal activity, as we have heard from several speakers, but there needs to be balance.

This second slide on the aims of Convention Plus can also guide us here. The strategic use of resettlement has improved, but it remains available to less than 1% of the world’s refugees each year, as was mentioned yesterday. While resettlement and local integration are important solutions, there is no avoiding the historic lesson that return (at some stage) is the solution for the vast majority of the world’s asylum-seekers, refugees and other forcibly displaced.

We have discussed what can be done to increase protection of the victims of trafficking; we have heard that smuggled people are not always moving voluntarily, and about how difficult it is to protect the small number of genuine asylum-seekers amongst them; and we have heard from the UNHCR’s Director of International Protection how important it is to differentiate responsibly and effectively. We have also heard how the exclusion clauses of the Refugee Convention can prevent terrorists or migrants from “cheating” – as one participant described it.

We had useful guidance offered by participants to UNHCR on how to raise asylum refugee and migration rights-based issues with ASEAN, and I feel that our discussions have helped to dispel some of the arguments that certain States have used to question why they should bother to act in line with recent best practices developed as a result of the Agenda for Protection and Convention Plus initiatives, even when there is as yet no international legal obligation for them to do so..

Today, we heard from the European Community guest speaker how that region is pursuing regional coherence in establishing “standards” for the treatment of asylum-seekers and refugees, including the status of progress towards full implementation of the Schengen Agreement and the application of the Dublin Convention. While it was not intended that it be considered as some sort of ‘model’, elements of the practices being

developed may be of interest for APC member States to consider in for a such as this workshop.

As you will see from some of the reference material provided, UNHCR has developed an intranet “Portal on Durable Solutions for Displacement”, which provides internal guidance on initiatives such as DAR – Development Assistance for Refugees; DLI – Development through Local Integration; the “4Rs” initiative on repatriation, reintegration, rehabilitation and reconstruction; and activities to increase self-reliance. I would hope that this “Portal” can also be made public in the near future.

Without drawing upon what has been happening in Cambodia, Fiji, Vietnam and China – who will speak after me, let me briefly try to provide just a few recent examples of what some States have been doing.

The recent 24 June signing in Luxembourg of a revised Cotonou Agreement by the EU and 76 African, Caribbean and Pacific States is welcome, addressing security concerns, poverty-reduction and the Millennium Development Goals. The renewed attention on reducing poverty, including the endless media coverage of Sir Bob Geldof and last weekend’s “Live 8” concert, are also drawing attention to the human face of global concerns.

At the recent UNHCR standing Committee meeting, Thailand mentioned the current initiative between Thailand, Laos and Myanmar towards economic cooperation to address the root causes of migration. It also stressed the importance of capacity-building, the need for a comprehensive plan of action for achieving solutions, and the need to enhance the capacity of countries of origin – including through conflict resolution, economic development and job skills training.

At the same Standing Committee session, Japan mentioned the new amendment to its national refugee legislation, giving refugees and asylum-seekers an opportunity for “provisional stay”, which was covered in the paper its representative shared with us at this workshop.

We heard yesterday about Malaysia’s efforts to introduce the possibility of providing their refugee caseload with employment.

The Australian representative mentioned in his statement the important further revisions being made to its Migration Act, aimed at ensuring faster timetables for processing asylum-seekers, and ensuring that women and children are only detained when there is no alternative, and even then in the community.

At the Standing Committee, Australia urged UNHCR and EXCOM member states to “move on from discussions”. I, for one, agree that it is time to move on to active planning on what further actions - both legal and technical – APC member States are willing to implement, and to establish some timetable for doing so.

Perhaps what we might also need to discuss during this Session is how to go about this, and signal the commitment of participating member States here to the APC Plenary meeting scheduled for late October?

This would demonstrate the commitment of participating member states (and UNHCR and other relevant actors) to take action to work to build capacities and achieve durable solutions for the displaced in the Asia Pacific Consultations region in the years ahead?

I understand that the Bali Process member states have agreed to develop National Action Plans. This workshop might perhaps recommend that the APC rights-based issues be reviewed by States with a view to incorporating protection activities into these Bali Process NAPs. I am sure that UNHCR Representatives and Country Offices could advise, if requested by relevant participating member States.

As I hope my short statement has made clear – much is already happening. It appears to me at least that, while there are clearly practical differences existing in the way participating member States deal with asylum and migration matters, there is a broad acceptance of what more needs to be done.

All we may need to maintain and focus the existing momentum is to develop the comprehensive plan of action for capacity-building in achieving durable solutions - recently suggested at the Standing Committee, and to ensure commitments to act are included in individual national action plans.

I look forward to hearing your comments and to taking any questions in the discussion period that follows the other four speakers.

Thank you for your attention.

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