

Statement by UNHCR Regional Representative

**9th Pacific Immigration Director Conference's Annual Meeting
Nadi, Fiji, 30 August – 1 September 2005**

Chairman, distinguished delegates, ladies and gentlemen, may I start my brief statement by thanking Fiji and the PIDC for hosting this meeting, and for inviting UNHCR to be present as an observer. The warm South Pacific welcome and hospitality are truly appreciated.

As of 1 January 2005, there were 19.2 million persons of concern to the United Nations High Commissioner for Refugees. This global figure comprises 9.2 million refugees (the lowest number since I joined UNHCR); 840,000 asylum-seekers whose status has yet to be determined (the lowest number since 1987); 2 million stateless persons (sadly, a growing number); 5.6 million internally displaced persons (less than 20% of the increasing number of persons who have fled persecution and stayed within their own country); and 1.5 million returnees (such as the over 3 million who have recently returned to Afghanistan). Last Friday, UNHCR released its latest report on asylum levels and trends for the first semester of 2005. This reflected the continuing fall in the number of asylum seekers globally, with 160,400 new asylum claims between 1 January 2005 and 30 June 2005. The data UNHCR uses is collected from 36 industrialised countries. In this region, Australia and New Zealand provide data for this analysis, and together they accounted for only 1% of the new claims around the world. Their number of asylum claims in the first half of 2005 was 11% less than the same period in 2004, and 37% less than in 2003. Europe received 78% of the new claims, and the USA and Canada received 21%. The top 5 countries of origin of new asylum-seekers this year are Serbia & Montenegro, Russia, China, Turkey and Iraq.

Thus the majority of new asylum-seekers and refugees do not come from Pacific countries. While this is good news, it also raises the spectre of the genuine needs of the remaining few to be afforded international protection being even more likely to be marginalised in your praiseworthy efforts to increase security measures against terrorists, people smugglers, traffickers and illegal migrants. In the post 9-11 era, irregular migration has come to be seen by many States as a major challenge to their ability to control borders and access to their territory. In recent years States have rightly renewed efforts to prevent irregular migration and to combat both smuggling and trafficking of persons. These issues have formed a major part of the context of this forum.

During the Global Consultations on International Protection organised by UNHCR and its EXCOM member states in 2001, it was recognised that one of the key challenges facing States is how to preserve international and national protection of individual rights within this recent, broader, mixed migration context.

Most of those moving irregularly, or being smuggled or trafficked, are migrants in search of a better life. Nevertheless, a few of them are genuine asylum seekers, who have a right to become refugees, having fled persecution, armed conflict and other threats to their life and freedom. At the same time, both categories are increasingly being exploited by trans-national, organised criminals engaged in illegal trafficking and smuggling.

UNHCR recognises that effective border control and immigration measures are needed to counter this trend, but UNHCR also advocates for ensuring that effective protection is afforded to those who have a right to it, and this must start with access to a fair refugee status determination process, that identifies the few who have a right to protection amongst the mixed flows, and ensures the trauma they experienced when they had to flee their own country, and during their

subsequent search for safety, is not unnecessarily extended. In short, UNHCR recognises that States must regulate people movement where necessary for security reasons, but urges that they do it in a humane way.

One established fundamental in this challenge under international law is the need to make certain that ineffective systems do not result in those persons who are in need of international protection being returned to their home country to face further persecution or death. This principle of non-refoulement is not only a breach of the 1951 Refugee Convention, but also of several other international treaties. Has the PIDC done enough to avoid refoulement happening?

The PIDC is already engaged in protection and security issues. I recognise the model legislation on refugee status determination it has developed, and hope that it, along with UNHCR models, will be adopted by more and more countries in this region. I am hoping that the Government of Papua New Guinea may adopt legislation based on these models this year. My office is also working with the Government of Fiji this year to provide training on refugee status determination and to carry out a public awareness campaign, as soon as the relevant national legislation has been passed. I also hope to travel to the Federated States of Micronesia later this month, to follow up on that country's interest in accession to the 1951 Refugee Convention. In dealing with these challenges, I would also hope that the PIDC is pursuing a responsible balance in its work. In the same way as your Secretary General, Greg Urwin, stressed in his key note speech that the PIDC must work in cooperation with the tourism and business communities, I would highlight the importance of the PIDC including, not excluding, international, regional and national rights-based institutions in its continued development, and in its work on "The Pacific Plan". In this regard, I wish to take this opportunity to pay tribute to the work of the Government of China in 2005 as Secretariat of the Asia Pacific Consultations on Asylum and Migration.

After all is said and done, it is obvious that the root causes of refugee flows also cause discontentment and security challenges, while creating opportunities for trans-national crime, people smuggling and human trafficking. At the same time, more effectively addressing the root causes such as conflict, poverty, hunger, HIV/AIDS, inner city violence and environmental degradation, in line with the responsibilities UN Member States took on in 2000 under the Millennium Development Goals, will also create solutions to forced migration.

UNHCR continues to stand ready to cooperate with the PIDC in every aspect of the spectrum of issues its work covers. From interception at sea; to competent first instance determination at borders and airports; to minimising unnecessary detention; to training in the legal processes involved in refugee status determination and any subsequent appeals. PIDC member states, and particularly the smaller states, need to choose carefully which path to take in the future, if their children and their children's children are to grow up in an environment in which the traditional Pacific hospitality and willingness to help those in need still exist. When requested by States, UNHCR's engagement with regional mechanisms such as the PIDC, APC and Bali Process, and bilaterally with individual states, can help to ensure a more appropriate balance between security and individual rights in the Pacific area, by assisting states to combat irregular migration, while simultaneously preserving the institution of asylum.

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