

# UNHCR

## The UN Refugee Agency (June 2009)



### BACKGROUND

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on 14 December 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge and protection in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country in case the other two options cannot be realized.

UNHCR's efforts are mandated by the organization's Statute, and guided by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. International refugee law provides an essential framework of principles for UNHCR's humanitarian activities. In its efforts to protect refugees and to promote solutions to their problems, UNHCR works in partnership with governments, regional organizations, international and non-governmental organizations. UNHCR is committed to the principle of participation, believing that refugees and others who benefit from the organization's activities should be consulted over decisions which affect their lives.

Today, a staff of around 6,500 people in more than 116 countries continues to help 34.4 million persons. During its half century of work, the agency has provided assistance to more than 50 million people, earning two Nobel Peace Prizes in 1954 and 1981.

### UNHCR IN PAPUA NEW GUINEA

UNHCR has been engaged in Papua New Guinea since the mid-1960s. Following the large-scale arrival of Melanesian refugees from West Papua during 2000-01, the UNHCR Country Office in Papua New Guinea (PNG) was re-opened in 2003. UNHCR's role in PNG is to promote compliance with and implementation of the 1951 Refugee Convention, it offers technical assistance and legal advice as well as supports the PNG authorities in protecting and assisting refugees. It continues to monitor the situation of Melanesian refugees from West Papua and the few other individual refugees and asylum-seekers from beyond the region.

### SNAPSHOT OF THE CURRENT REFUGEE POPULATION

#### West Papuan refugees

- 2,500 are settled in the East Awin refugee settlement and have obtained permissive residency permits (PRP). They have a standard of living similar to that of an average rural Papua New Guinean.
- Living standards are poorer or uncertain for the approximately 5,000 West Papuans in remote villages along the PNG-Indonesian border.
- A remaining 2,500 West Papuans have settled around the main cities of PNG; the majority has also obtained the government's permissive residency permits (PRP).

#### Non-Melanesian asylum-seekers and refugees

- The second population of concern is a small group of 14 individual non-Melanesian asylum-seekers and refugees (including from Afghanistan, Sri Lanka, Myanmar, Vietnam) living in urban centres in PNG. This group is not eligible for PRPs, lacks adequate protection and relies almost entirely on the assistance by UNHCR and charity organizations. It is vulnerable to domestic security situation and xenophobia.

### UNHCR'S STRATEGY

A participatory assessment, updated population profile in East Awin and 2007 consultations shaped the three-year Two-Pillar UNHCR Strategy:

- Pillar I - Building local protection capacity by strengthening the refugee protection framework and management;
- Pillar II - Improving access to durable solutions by strengthening the foundations for long-term development.

**Pillar I** concentrates on strengthening the policy, legal and protection framework within PNG for all refugees, including augmenting the capacities of national immigration structures and developing domestic refugee legislation and reception conditions to more effectively deal with non-Melanesian asylum seekers and refugees. While there has been limited progress, this has to be seen in light of the Government's enormous development challenges and lack of resources within the Immigration Service. The Government has already taken steps to remedy the situation and the outcome of the reform process should be a dedicated RSD Unit or Desk with dedicated staff, including for the drafting of policies, strategies and legislation.

Given the long-term presence of the refugee community in the Western Province, the comparatively higher living standard of the settlement as compared to the local population and a lingering dependency mentality in the community, UNHCR sought a strategy (**Pillar II**) to promote integration and self-reliance for the East Awin refugee community. What developed was a multi-faceted plan including longer-term initiatives, development of road infrastructure, and inclusion of East Awin in the province's growing rubber industry buoyed by projects of immediate impact, utilizing the settlement's comparative advantage in agriculture and labour. These efforts included projects supporting women's empowerment and funds for higher education, and training for health and education staff.

The impacts achieved at the end of 2008 have brought the group closer to genuine local integration and self-reliance than at any stage since their arrival in the 1980's, not least because of the Western Province authorities and the inclusion of lowara-East Awin in their development plans. There is the underlying realization within the settlement that UNHCR's assistance is finite. In response, the Central Committee is taking steps to assume a greater leadership role. The implementation of small business development projects and the laid foundations of longer-term development initiatives are tangible examples of progress.

## 2009/2010 FOCUS

### **Pillar I**

At this stage, the Government has not yet a refugee policy or an adequate legal framework in place. Further, it lacks sufficient capacity to undertake effective refugee status determination or to provide care and maintenance for asylum-seekers and refugees of non-Melanesian origin.

*UNHCR will assist PNG to craft a refugee policy covering both the West Papuans and non-Melanesian asylum-seekers and refugees and support the Immigration Service to carry out refugee status determination.*

PNG expressed reservations and therefore does not accept the obligations stipulated in Articles 17(1), 21, 22 (1), 26, 31, 32 and 34. In the past, UNHCR worked with key authorities on a proposal to lift five out of the seven reservations (except for Articles 17(1) and 21), but according to information available, the proposals have not seen progress in the National Executive Cabinet (NEC).

*UNHCR will support the Department of Foreign Affairs in holding inter-agency stakeholder consultations on the withdrawal of Articles 17(1) and 21 and submit a discussion paper on the two Articles to facilitate the consultations; further, UNHCR will lobby with the Department of Foreign Affairs to re-submit an updated proposal on the already agreed withdrawal of five of the seven reservations or resubmit the proposal concerning all seven Articles.*

Since 2002, UNHCR has worked with the GoPNG to develop refugee legislation, which was subsequently summarized and added as an annex to a Draft Migration Act 2005. The draft was submitted to the Minister for Foreign Affairs in 2005 but then returned to the Immigration Office where due to lack of human resources, no further work has been done. The current fee for naturalization of PKG 10,000 (USD 4,000) is prohibitively expensive for the majority of West Papuan refugees. Permissive residency permits and naturalization is unavailable to the 5,000 West Papuan refugees living in border settlements.

*UNHCR will pursue activating inter-agency stakeholder consultations to achieve agreement on:*

- a) the revision of the draft Migration Act (UNHCR will assist this process through the submission of discussion and option papers as necessary);*
- b) the "Expanded Integration" policy to replace the current "Limited Integration" policy (which will then also be reflected in the revised Migration Act);*
- c) a facilitated naturalization process for all refugees, including a waiver or significant reduction of the current fee for the grant of naturalization (UNHCR will assist the latter process through provision of a regional or worldwide overview on what administrative fees are involved with the grant of nationality in other countries).*

PNG has not acceded to the two Statelessness Conventions and the Migration Act does not place any positive obligations upon PNG to deal with stateless persons. This remains a concern in light of the de facto statelessness of all West Papuans.

*UNHCR will continue lobbying with the PNG authorities to accede to the Conventions through the organization of roundtables and bilateral meetings with relevant actors.*

While efforts have been undertaken to enhance the knowledge of border, police and immigration officials on refugee protection (including non-refoulement), human rights and SGBV, more needs to be done in this area.

*UNHCR will assist in targeted training on refugee protection, human rights and SGBV, including on-the-job training.*

The situation in West Papua remains unstable with demonstrations and security incidents occurring in West Papua and the border area.

*UNHCR will support PNG authorities to revise its contingency plans and will support training of new government officials.*

## ***Pillar II***

Participatory assessment in East Awin revealed that there are neither structures in place for child protection nor to prevent and respond to SGBV cases. Girls, particularly adolescent girls, identified being concerned about family and sexual violence (including incest), and stated that they felt it was getting worse; older boys raised concern about family and sexual violence, and the tensions it places on the community and the increased fighting that occurs because of it. There are also no support structures for households with specific needs (e.g. female-headed households, elderly without support network).

*Apart from sponsoring trainings of community advocates to address SGBV and increase awareness of HIV/AIDS, supporting the community in setting up structures for the prevention and response to SGBV (including lobbying for police presence, establishment of a village court, deployment of Community Development Officer, establishment of a safe house), small in-kind income-generating projects are foreseen to support female-headed households and elderly without support structures, including support for their shelter needs.*

There is a lack of unity among the different refugee groups in the community (different tribes/clans coming from different locations in West Papua) coupled with a non-functioning Central Committee (which should be the governing body).

*The way forward is supporting the Central Committee in crafting a Constitution, holding elections and providing them with the necessary training on leadership, management and other related issues.*

Continued UNHCR support for the income generation projects initiated in 2008/09 is vital. The projects, which revolve around agriculture and cottage-style processing, are relying on inexperienced individuals and management structures to see them through.

*CO PNG foresees additional financial support to consolidate these projects and train individuals to properly take over and manage the initiatives. For additional projects, the coverage of start-up costs is required.*

After the participatory assessment, needs in water/sanitation, education and health emerged.

*Activities foreseen include: upgrade of aid post, rehabilitation/construction of houses for health workers and teachers to retain qualified staff.*

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