

UNHCR

The UN Refugee Agency (December 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, as well as faith-based organisations. 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 6,600 people in more than 110 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 Irian Jaya/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

- 2,300 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 2,400 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 17 individual non-Melanesian asylum-seekers and refugees (including from Afghanistan, Myanmar, Sri Lanka and 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, IOM (in specific cases) and charity organizations. In addition, they are particularly vulnerable to the 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 Division of Immigration. 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 during 2008 and 2009 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 lowara 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.

2010/2011 FOCUS

Pillar I

At this stage, the Government of Papua New Guinea does not have a policy framework on refugees in place. There are various issues which need further discussions and deliberations so that the Government can clearly develop its vision on how to deal with West Papuan and non-Melanesian asylum-seekers and refugees in Papua New Guinea.

*UNHCR will support the Department of Foreign Affairs in drafting a **refugee policy** covering both the West Papuan and non-Melanesian asylum-seekers and refugees and holding inter-agency consultations in order to provide the Minister of Foreign Affairs with a Draft Refugee Policy for further discussions in the National Executive Council.*

The Government of Papua New Guinea acceded to the 1951 Refugee Convention and its 1967 Protocol in 1986 but with reservations affecting refugees' rights (including areas of employment, housing, education, freedom of movement, expulsion and access to naturalization). In 2005, there was already agreement to lift five of the seven reservations and a submission was made to the NEC. Since this submission has never been dealt with, all seven reservations are still applicable.

*UNHCR will support the Department of Foreign Affairs in holding inter-agency stakeholder consultations on the **withdrawal of reservations** made relating to 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 resubmitted proposal concerns all seven Articles.*

The Limited Integration Policy regulates the refugees' entitlements to PRPs and benefits (e.g. access to the labour market, education, freedom of movement) provided they have relocated to East Awin for at least six months. Those who did not go through East Awin do not hold PRPs and do not benefit from the different rights and creates different groups among refugees, which is problematic from a non-discrimination point of view.

UNHCR will support inter-agency stakeholder consultations to achieve agreement on an "Expanded Integration" policy to replace the current "Limited Integration" policy (which will then also be reflected in the revised Migration Act).

The current Migration Act and its 1989 amendments authorize the Minister of Foreign Affairs "to determine a non-citizen to be a refugee". The current legislation does not provide any details on the way in which this determination is to be made or their rights and obligations in PNG once they are granted refugee status (e.g. type of documentation to be provided to them, residency status, access to labour market). A revision of the Migration Act was undertaken and a draft was finalized in 2005; this draft contains refugee-related provisions as an Annex. Currently, persons seeking refugee status in PNG do not have access to any assistance during the determination process and after recognition. There is no legislation and structures in place regulating their status and assistance in PNG.

UNHCR will pursue activating inter-agency stakeholder consultations to achieve agreement on the revision of the 2005 Draft Migration Act (UNHCR will assist this process through the submission of discussion and option papers as necessary) and to support the Immigration and Citizenship Services to set in place refugee status determination and reception procedures..

The Citizenship Act and different regulations provide the criteria for access to PNG Citizenship. There are no exceptions for refugees and the rather high administrative fee of Kina 10,000 is not affordable by the majority of the refugees.

UNHCR will lobby and support PNG to foresee 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 an overview in the regional and world wide 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 two Statelessness 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 security incidents occurring in West Papua and the border area.

UNHCR in cooperation with its e-centre will hold a ToT on Contingency Planning to support PNG authorities to revise its contingency plans during 2010 and years to come; equally, it 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 2008/9 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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