

SOUTH AFRICAN STATEMENT AS CO-FACILITATOR ON IRREGULAR, SECONDARY MOVEMENTS

High Commissioner's Forum

12 March 2004

Mr High Commissioner,

Since the last Forum meeting, the South African delegation joined Switzerland as co-facilitator on the subject of irregular, secondary movement of refugees and asylum seekers. We too, as a developing country, are increasingly experiencing challenges posed to our asylum system in dealing with this phenomenon. The composition of the Core Group on this issue is an indication that a wide range of countries as well as NGOs and other organizations share an interest in this matter.

The Agenda for Protection calls for the UNHCR and States to analyse the reasons for these movements and to propose strategies to address them. The intention is that a better understanding of these movements would lead us to a better understanding of what constitutes effective protection. This will bring us to examining and recognizing States' roles and responsibilities along the refugees and asylum seekers' movement routes. But most importantly, it will provide a framework within which the notion of increased international solidarity and burden-sharing should form the basis of any solution. This is after all the aim of the UNHCR's Convention Plus initiative: achieving durable solutions through a more equitable sharing of responsibilities and burdens amongst States.

Irregular, secondary movement does not only happen from south to north. It is perhaps more prevalent within the regions.

The mere fact that an asylum-seeker entered a system should not mean that he found protection. In this regard it may be possible that a lack of adequate protection actually gives rise to refugees moving onward. Furthermore, state sovereignty and the right of states to control the movement of people should always be exercised in parallel to a State's obligation in terms of human rights and refugee law standards, which they voluntarily assumed.

Developing countries, just as developed countries, are coming to grips with an ever-changing world where the reality of globalisation and the movement of people it brings about, are increasingly effecting its decisions and actions. It is therefore important that we all resist the temptation to retreat into a lager and direct our inadequacies in living up to these challenges to the individuals entering our borders, many of whom are in dire need of protection.

During the discussions we already had on this matter, it became quite evident that searching for new ways to better management of refugee problems will not be easy. However, this process belongs to all parties involved, not only the co-facilitators. Our delegation has no doubt that the Core Group will ensure that irregular secondary movements are examined in a fair and transparent manner, guided by the obligations we as States assumed in terms of international refugee and human rights law standards and informed by a better understanding of effective protection. This should lead us to an understanding that would contribute to a better burden-sharing system aimed especially at those countries hosting large numbers of refugees for a protracted period of time.