



# **COUNTRY OPERATIONS PLAN**

**Country/Region:  
Australia, New Zealand,  
Papua New Guinea and the South Pacific**

**Planning Year: 2004**

## **2004 COUNTRY OPERATION PLAN**

### **Regional Office Canberra – Australia, New Zealand, Papua New Guinea and the South Pacific**

#### **Executive Summary**

##### **(a) Context and Beneficiary Populations**

UNHCR's Regional Office in Canberra covers Australia, New Zealand, Papua New Guinea (PNG) and twelve States in the South Pacific; the Northern Mariana Islands, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, the Solomon Islands, Tonga, Tuvalu, Vanuatu and Samoa. A Liaison Office in Port Moresby, PNG, was opened in February 2003.

##### ***Australia and New Zealand:***

UNHCR is the only UN agency with an active presence in Australia and New Zealand. The two countries are parties to the 1951 Refugee Convention and its 1967 Protocol, members of the UNHCR's Executive Committee and valuable supporters of its activities. Both countries are influential in the Asia-Pacific region and make significant contributions to refugee protection, resettlement and fund-raising.

In 2003, Australia's core contribution to UNHCR's Programmes was dramatically reduced (from A\$14.3 million in 2002 to A\$7.3 million). However, in 2003 Australia made an additional earmarked contribution of A\$8 million under its newly created Refugee Fund for programmes in the Asia-Pacific region and South Asia. Increased earmarked funding is the expected trend in 2004. New Zealand has increased its core contribution since becoming a member of the Executive Committee.

Australia and New Zealand remain generous resettlement countries, maintaining their allocation of 4,000 and 750 refugee resettlement places respectively for a number of years. Both countries have indicated their refugee resettlement programs may increase in 2004. In Australia, this is dependent on the number of asylum-seekers arriving onshore, which decreased dramatically in 2003. The reduction resulted in an increase in the number resettled under its displaced persons program (as opposed to refugees). Australian policy limiting family reunification for resettled refugees who were irregular movers continues to be of major concern to UNHCR.

Although Australia has been traditionally generous to asylum seekers and refugees, legislative changes introduced in 2001 and 2002 have led to a deterioration in the standard of treatment, particularly those arriving in an unauthorised manner. Australia is at the forefront of developments in asylum policy designed to combat people smuggling and deter "secondary movements". These developments require UNHCR monitoring to ensure that refugee rights are taken into account. Several years of intense legislative activity has curtailed the previously generous treatment of asylum seekers and refugees, particularly those who arrive onshore without prior authorisation. Of particular concern are implications for temporary protection visa holders, who although recognised as refugees are ineligible for family reunification or travel documents to re-enter Australia.

There were no boat arrivals to Australia seeking asylum in 2002, a significant decrease from previous years. The Government claims that this is due to its "Pacific Solution", which involved the interception of asylum seekers and their subsequent transfer to Nauru and PNG, as well as the introduction of restrictive legislative measures. While these measures may have played a role, other factors such as developments in Afghanistan, the drowning of over 300 Iraqis on a boat between Australia and Indonesia in 2001 and the outcome of the Bali Conferences had a significant effect. The reduced flow of boats in 2002 slowed the trend favouring restrictive asylum policies. However, if boat arrivals resume, there will likely be a revival of legislative and policy measures designed to contain this phenomenon. Such legislative developments in recent years have significantly increased UNHCR's monitoring role and involvement in the region.

In Australia, the continuation of a mandatory detention regime for unauthorised arrivals, including asylum seekers, remains a major concern for UNHCR. In 2002, the office in Canberra began the systematic monitoring of detention and processing centres in the country and throughout the region. This activity will continue in 2004. UNHCR is concerned that such a system may be replicated in other parts of the region.

Developments in New Zealand continued to be generally positive, with the Government (re-elected in 2002) supporting refugee issues and UNHCR's resettlement needs. Although a new detention policy for newly arrived asylum seekers was introduced after 11 September 2001, detention measures uphold UNHCR guidelines and are monitored by the office in Canberra in close co-operation with the Government.

The Canberra office is not formally involved in refugee status determination in Australia or New Zealand. However, in 2002, due to the impact of legislative changes limiting judicial review, UNHCR increased its monitoring of individual cases in Australia, making interventions when necessary. This not only assisted with the development of positive policy changes, but also improved the working relationship with immigration officials. In New Zealand, UNHCR and the Government reached agreement on the systematic review of refugee status determination decisions to ensure they meet international standards.

In 2004, UNHCR will increase its public information activities to foster increased public support for the plight of asylum seekers and refugees. The office in Canberra will also work closely with NGOs to create a more positive approach to refugees.

At the Bali Conference on People Smuggling, trafficking in persons and related transnational crime (Bali I), co-chaired by Australia and Indonesia, countries in the region reiterated their commitment to refugee protection but highlighted the need for Asia-Pacific countries to work together to combat transnational crime. UNHCR's participation focused on ensuring that refugee protection principles were upheld. UNHCR is currently looking to develop comprehensive international proposals to respond to the concerns of Governments with regard to irregular movements and people smuggling. Following Bali I, two working groups chaired by New Zealand and Thailand were established. Another Bali Conference (Bali II) took place in April 2003. Due to the interest and engagement of Australia and New Zealand in the Bali process, the office in Canberra will continue to work closely with these States and other UNHCR offices throughout Asia in 2004 to follow up on the Bali II process and monitor developments regarding transnational crime and people smuggling to ensure that countries in the region uphold their international obligations.

The overriding objective in 2004 will be to maintain the protection of refugees and asylum seekers in a rapidly developing policy environment. Specific objectives in support of this objective will, in consultation with governments and NGOs where appropriate, be to:

- Monitor policy and legislative developments on asylum and reception issues, and provide advice to governments to ensure the rights of refugees and asylum seekers are adequately taken into account.
- Monitor the implementation of these efforts through review of individual cases, ensuring the assessment of claims on their merits (not rejected on the assumption of effective protection elsewhere) and that the procedure is fair and efficient at all stages.
- Ensure that resettlement programmes in the region reflect UNHCR needs and policies and that these programmes are maintained or increased.
- Increase public support for refugees through advocacy, public information, public awareness and private sector fund raising activities.
- Increase government funding of UNHCR and maximise private sector fund-raising opportunities.

To meet these objectives and ensure that Australia and New Zealand remain committed to refugees, the office in Canberra will resort to the following interventions: protection monitoring; advocacy; review of cases and when appropriate, intervene on behalf of sensitive cases; appear at parliamentary hearings; refugee law training; and promotion of UNHCR's resettlement needs and priorities. The office in Canberra will also undertake information activities to enhance public support and the commitment of both countries to meet the needs of refugees world-wide.

The office in Canberra will continue to utilise and promote the Agenda for Protection in its demarches with governments and engagements with other actors in the region.

***Papua New Guinea and South Pacific (RO Canberra and LO Port Moresby):***

Papua New Guinea is a State Party to both the 1951 Refugee Convention and its 1967 Protocol. PNG has hosted a significant refugee population from West Papua, Indonesia, since 1985 (at times up to 10,000 persons). UNHCR provided the Government with emergency assistance and later, care and maintenance for more than a decade. In 1996, the Liaison Office in Port Moresby was closed. PNG was covered by missions from Canberra. In early 2003, UNHCR saw the need to re-establish the Liaison Office in Port Moresby.

Four South Pacific States, Fiji, Samoa, the Solomon Islands and Tuvalu are State Parties to the 1951 Refugee Convention and its 1967 Protocol. Other States, notably Vanuatu and Tonga, have shown interest in accession to the Refugee Convention. UNHCR has no offices or staff in the South Pacific; staff from the office in Canberra on ad hoc missions serve the programmes in these countries. UNHCR does not foresee a large number of asylum seekers in the South Pacific in 2004. Australia may, if the number of boat arrivals increases, divert them to Nauru for processing

UNHCR's focus in PNG will be on several issues. Ensuring protection is granted to refugees from West Papua and outside the region. The continued development of PNG's national capacity to receive and determine the status of asylum seekers under Convention criteria, particularly as PNG may become a "transit country" for asylum seekers who are secondary movers, through promotion of refugee law and training of Government officials and NGOs. The implementation of refugee legislation in PNG by building on draft legislation prepared by UNHCR; and monitoring for possible refugee influxes from West Papua. The office in Port

Moresby will pay special attention to integration activities for West Papuan refugees relocated to East Awin during 2003 and on obtaining residency permits for those West Papuans already in East Awin.

UNHCR's role in the South Pacific will be to promote accession in countries that have not yet acceded to the Refugee Convention and to promote the implementation of the Refugee Convention into country's domestic legislation (particularly in Fiji). UNHCR will also ensure, through a dialogue and consultations, that refugee protection policies and principles in PNG and the South Pacific countries conform to international refugee law, human rights standards and other relevant instruments. These efforts will be pursued bilaterally with the States and through regional fora, such as, the Pacific Islands Forum and the Pacific Immigration Directors Conference. In addition, UNHCR will assist governments to prepare and update contingency plans to respond effectively to potential influx of asylum seekers. To achieve this, UNHCR will arrange workshops on contingency planning and UNSURE exercises.

The security of the West Papuan people in Vanimo and East Awin is an issue that the office in Port Moresby will pay special attention to due to the sensitivities involved over their legal status. UNHCR will support assistance activities aimed at sustainable local integration, targeting both these beneficiaries and the host community. UNHCR will also provide assistance to individual refugees in PNG from outside the region. Assistance from implementing partners to carry out sub-projects in PNG will be required during 2004, these partners will comprise government agencies, NGOs, churches and community groups.

The main objectives for UNHCR in PNG and the South Pacific will be to:

- Assist PNG and Fiji build local capacities for refugee status determination;
- Monitor developments in the region, specifically those that may cause refugee influxes, and assist governments to prepare or update contingency plans to respond effectively to such events;
- Support and monitor local integration of West Papuan refugees in PNG;
- Promote accession to the 1951 Refugee Convention and its 1967 Protocol and its incorporation into domestic legislation in the South Pacific (Vanuatu, Samoa);
- Ensure that refugee protection policies and principles in South Pacific countries conform with international refugee law, human rights standards and other relevant instruments through bilateral arrangements with States or regional fora;
- Increase awareness of and support for refugees.

**(b) Selected Programme Goals and Objectives**

<b>Name of Beneficiary Population / Theme:</b> Australia and New Zealand.
<b>Goal:</b> Monitor policy and legislative developments on asylum and reception issues. Provide advice to governments to ensure that the rights of refugees and asylum seekers are adequately taken into account.

<b>Principal Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>To engage governments consistently on policy and legislative developments to ensure UNHCR views are taken into consideration.</li> </ul>	<ul style="list-style-type: none"> <li>Provide training, advice and information to government officials, such as immigration officers, legislators, etc. on refugee law and related international instruments.</li> <li>Increase contacts and advocacy activities at all levels of government.</li> <li>Protection concerns are addressed by the Australian authorities and when possible, are used for positive precedent setting.</li> </ul>
<ul style="list-style-type: none"> <li>Systematic review of the policy of detention is undertaken through visits and monitoring of centres, including those located in Christmas Island, PNG and Nauru to ensure that detained asylum seekers are treated in accordance with international standards.</li> </ul>	<ul style="list-style-type: none"> <li>Enlist the support of influential groups, including NGOs, to influence government action.</li> <li>Support and undertake promotion and training activities for NGOs and other actors dealing with human rights and refugee matters; establish a network to share information on refugee rights.</li> <li>A framework for UNHCR's role and schedule in monitoring and visiting detention centres is formulated. Visit detention centres regularly.</li> <li>UNHCR's recommendation to implement an alternative detention model is taken into account by the Australian Government.</li> </ul>
<p><b>Goal:</b> Resettlement in the region reflects UNHCR needs, policies and resettlement programmes. Regional influence is maintained or increased.</p>	
<b>Principal Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>Resettlement in Australia and New Zealand reflects UNHCR needs, policies and priorities.</li> <li>Size of refugee resettlement programmes are maintained or increased.</li> <li>Cases are processed expeditiously.</li> </ul>	<ul style="list-style-type: none"> <li>Monitor legislation and policy.</li> <li>Regularly advise and consult with governments, NGOs and other UNHCR offices on resettlement needs and priorities.</li> <li>Engage in training of NGOs and government officials.</li> <li>Utilise compelling individual cases to effect change.</li> </ul>
<ul style="list-style-type: none"> <li>Refugees are reunited with their immediate family members.</li> </ul>	<ul style="list-style-type: none"> <li>Advocate for change in current Australian policy.</li> <li>Use compelling individual cases to effect change.</li> </ul>
<p><b>Name of Beneficiary Population / Theme:</b> PI and Fund Raising Activities</p>	
<p><b>Goal:</b> Increase public support for refugees through advocacy, public information, public awareness and private sector fund raising activities.</p>	

<b>Principal Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>• Increase public awareness of refugee issues.</li> <li>• Increase support for refugees.</li> <li>• Raise the public profile of the work and role of UNHCR.</li> <li>• Create an informed public supportive of refugees issues</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and deliver well-targeted lectures and presentations.</li> <li>• Respond effectively to public and media enquiries.</li> <li>• Cultivate media contacts and provide information to the media.</li> <li>• Publish Newsletter with wide distribution.</li> <li>• Brochures, posters and other PI materials targeting general public are produced and distributed.</li> <li>• Implement PI strategy developed in 2003 to broaden outreach.</li> </ul>
<b>Goal:</b> Maintain or increase governmental funding of UNHCR and maximise private sector fundraising opportunities.	
<b>Principal Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>• Government funding of UNHCR is maintained or increased.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify key individuals and groups to develop and implement lobbying strategy with the aim of ensuring maximum impact, particularly with regard to the International Refugee Fund.</li> </ul>

<b>Name of Beneficiary Population / Theme:</b> Papua New Guinea and the South Pacific.	
<b>Goal:</b> Assist PNG and South Pacific countries to build local capacities for refugee status determination. Promote accession to the Refugee Convention and its incorporation into domestic law. Ensure that refugee protection policies conform with international refugee law, human rights standards and other relevant international instruments.	
<b>Objectives</b>	<b>Outputs</b>
<ul style="list-style-type: none"> <li>• Asylum seekers in PNG and the South Pacific have access to fair and efficient RSD procedures.</li> </ul>	<ul style="list-style-type: none"> <li>• RSD process is established in PNG, Fiji and Samoa</li> <li>• Government officials in PNG responsible for RSD are trained.</li> <li>• Processing centre for non-West Papuan asylum seekers is operated with the support of UNHCR</li> </ul>
<ul style="list-style-type: none"> <li>• Asylum seekers and recognised refugees in PNG and the South Pacific benefit from national legislation which conforms to international standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide technical assistance in drafting national legislation in PNG and the other four signatory countries.</li> <li>• Conduct targeted training on refugee law for senior government officials and opinion leaders in PNG and Fiji.</li> </ul>
<ul style="list-style-type: none"> <li>• Promote accession to the Refugee Convention in the South Pacific.</li> </ul>	<ul style="list-style-type: none"> <li>• South Pacific States, particularly Vanuatu, accede or take concrete steps towards accession to the 1951 Convention and 1967 Protocol and other relevant refugee instruments.</li> <li>• Provide information to government official, legislators and opinion leaders in the South Pacific about international refugee law and the importance of accession and implementation.</li> </ul>

<p><b>Goal:</b> Monitor developments in the region, especially those which may cause refugee influxes, particularly in PNG. Assist governments to prepare or update contingency plans to respond effectively to eventual mass influxes.</p>	
<ul style="list-style-type: none"> <li>Information of potential population movements is obtained and disseminated to relevant actors in a timely and effective manner.</li> </ul>	<ul style="list-style-type: none"> <li>Information network and early warning system are established with government, NGOs, church groups and other partners.</li> </ul>
<ul style="list-style-type: none"> <li>A system is established by governments that can respond effectively to mass influxes.</li> </ul>	<ul style="list-style-type: none"> <li>Assist governments to develop contingency plans.</li> <li>Government officials are trained.</li> <li>Equipment and logistical supplies are readily available</li> </ul>
<p><b>Goal:</b> Facilitate local integration of persons of concern who are expected to be relocated away from the border, including those who were transferred to East Awin earlier but remain undocumented.</p>	
<p><b>Objectives</b></p>	<p><b>Output</b></p>
<ul style="list-style-type: none"> <li>UNHCR persons of concern are locally integrated in a safe and sustainable environment.</li> </ul>	<ul style="list-style-type: none"> <li>UNHCR persons of concern who are at the border are transferred to a location away from the border and separated from armed elements.</li> <li>UNHCR persons of concern are assisted with local integration with emphasis on special needs of women and vulnerable groups.</li> </ul>
<ul style="list-style-type: none"> <li>All UNHCR persons of concern receive residency documents as a pre-requisite for permanent integration.</li> </ul>	<ul style="list-style-type: none"> <li>All persons of concern are registered.</li> <li>The Government of PNG continues to process and facilitate the application for residency for undocumented persons.</li> </ul>