



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2007

PAPUA NEW GUINEA

Country Operations Plan for 2007

covering Papua New Guinea

Part I: OVERVIEW

Protection and socio-economic operational environment

Papua New Guinea hosts up to 10,000 mainly West Papuan refugees. Some cases date back to the 1960s, with the largest influx occurring between 1984 and 1986. On 17 July 1986, the Government of Papua New Guinea (GoPNG) acceded to the 1951 Convention and 1967 Protocol relating to the Status of Refugees. In accordance with article 42 of the Convention, the GoPNG made seven reservations with respect to the provisions contained in articles 17(1) – wage earning employment, 21 – housing, 22 (1) – public education, 26 – freedom of movement, 31- refugees unlawfully in the country of refuge, 32 – expulsion and 34 – naturalization. Therefore GoPNG does not accept the obligations stipulated in these articles. Unfortunately, GoPNG did not move forward on the development of its refugee policy, legislation and the related refugee status determination procedures following its accession to the 1951 Convention. There are no legislative provisions, administrative regulations or directives establishing the procedure and criteria for refugee status determination (RSD). In the absence of any national refugee law legalising the status of asylum seekers and refugees, refugees are largely dealt with under the PNG Migration Act 1978 and its 1989 amendments.

In 1996, GoPNG did endorse a “Limited Integration” policy that allowed West Papuan refugees who had been relocated to East Awin to be granted Permissive Residency status. As permissive residents, they enjoy (conditional) freedom of movement; engage in business activities; enroll in PNG schools and tertiary institutions; and access health facilities. Restrictions include not residing in the border areas of Western and Sepik Provinces, not engaging in political activities, not having voting rights and not having the right to membership of political parties.

Since November 2002, UNHCR has assisted GoPNG to develop draft domestic refugee legislation. GoPNG decided to abandon the draft PNG Refugee Law Act in favour of simplified, basic refugee legislation, based on the Pacific Immigration Directors’ Conference (PIDC) model, to be attached to the amended version of the Immigration Act. UNHCR has provided extensive comments on the PIDC-based legislation.

Papua New Guinea, with a population of approximately 5.9 million people (of which 85 per cent live in rural areas and about 50 per cent are under the age of 18), is the largest of the island states in the South-East Pacific. PNG’s location between Southeast Asia and Australia makes it a potential transit country for secondary movers. Its proximity and cultural ties and geographical location adjacent to the Indonesian province of Papua means there is potential for another influx of refugees given the continued instability there. As happened in the past two decades, reported violence had caused people to cross the border and seek refuge in PNG. In this context, regular revision of PNG’s contingency plans and training of GoPNG officials remains important.

In recent years since 2005, PNG’s economy continued to show signs of improvement and economic growth is projected to continue over the next few years. GoPNG is however still critically short of cash and the country is facing increasing poverty. Papua New Guinea now faces the challenge of maintaining the improved macro-economic conditions while attempting to accelerate longer term

structural reform in system management and addressing the increasing problem relating to inefficient service delivery.

The standard of living and the level of human development in PNG are still low. PNG ranks 137 out of 177 countries in UNDP's Human Development Index (HDI) published in 2005 reflected an average life expectancy at birth at 53.3 (according to the 2002/2003 population census data). GDP growth has been negative for much of the first part of 2000s and per capita income has declined significantly (the recent estimates from the International Finance Institutes reported that 40 per cent of the population live on less than US\$2 per day, and 70 per cent under one US dollar).

The United Nations Security Phase II is in effect throughout Papua New Guinea. Due to a deteriorating law and order situation coupled with the lack of employment and economic opportunities, high crime rates and the situation of insecurity. Persons of concern, unlike most expatriates in PNG, cannot afford the cost of additional security arrangements for their physical protection.

International and national NGOs working on refugee issues are virtually non-existent in PNG. Those that have a presence are generally affiliated with missionaries or Christian Churches. In preparing this COP submission, LO Port Moresby has carefully weighed the beneficiaries' overall needs against the limited scope of other actors.

Operational goals and potential for durable solutions

The 2007 Papua New Guinea Country Operations Plan is part of a three year strategic plan (2007-2009) designed to address the protection gaps that exist in Papua New Guinea, and to establish a framework which will enable persons of concern to find durable solutions appropriate to their situation.

Derived from the Agenda for Protection, the Millennium Development Goals, UNHCR's Global Strategic Objectives (GSOs), and the BAP Regional Strategy (BRS), the following are the overall strategic goals of the 2007 Papua New Guinea refugee programme:

Objective 1: Support the Government of Papua New Guinea to develop and implement an international and national protection regime that is in accordance with the Agenda for Protection. (AFP goals 1.1, 1.2, 1.3, 1.8, 1.9, 1.11, 1.12, 2.1, 2.4, 6.1, 6.2, GSO 1.1, 1.3, 1.4, 2.1, 2.3, BRS 1b, 1c and 1d)

Situation: When PNG acceded to the 1951 Refugee Convention Relating to the Status of Refugees in 1986, GoPNG made seven reservations against the Convention. In October 2006, the proposal for withdrawal of five reserved articles had been tabled for the Prime Minister's endorsement for submission to the Cabinet for consideration. Currently, no legislative provisions, administrative regulations or directives establishing the procedure and criteria for refugee status determination (RSD) exist.

Refugees are largely dealt with under the PNG Migration Act 1978 and its 1989 amendments leading to *ad hoc* treatment of the various populations of asylum seekers in PNG. In general, Melanesian refugees through Permissive Residency Permits (PRPs) have access to a higher standard of protection than non-Melanesian refugees. However, the 5,000 West Papuan refugees living in border settlements do not have access to PRPs. A lack of knowledge of the principle of non-

refoulement among local and provincial officials, and the lack of procedures and guidelines protecting non-Melanesian asylum seekers from refoulement means that there is a risk of instances of refoulement occurring.

Strategy: UNHCR will continue to advocate for the withdrawal of PNG's seven reservations against the 1951 Refugee Convention, and encourage GoPNG to enact the revised Migration Act. If implemented, these actions would provide the legal framework for the establishment of an effective international protection regime, and put in place formal procedures for the reception, screening and RSD of asylum seekers.

UNHCR stands ready to support GoPNG to implement the expected enacted legislation and contribute to the drafting of regulations and procedures and is prepared to provide technical support and RSD training to GoPNG officials.

UNHCR will also support GoPNG in establishing an effective system to issue and renew Permissive Residency Permits and will continue to encourage GoPNG to consider extending Permissive Residency status and the corresponding rights to all West Papuan adults, including those living in border areas and urban centres.

Situation: PNG has not acceded to the Convention Relating to the Status of Stateless Persons (1954), or the Convention on the Reduction of Statelessness (1961). The PNG Migration Act (1986) places no positive obligation upon PNG to deal with stateless persons. To date, statelessness has not been an issue for non-Melanesian asylum seekers. However, under the provisions of Article 17(k) of the Indonesian Basic Law No 62 of 1958, West Papuan refugees who have resided in PNG for more than five years are at risk of becoming or may already be stateless.

Strategy: UNHCR will continue to advocate that PNG ratifies the two Conventions on Statelessness, the two human rights Covenants and the Convention Against Torture, and that corresponding domestic legislation is enacted.

UNHCR and UNICEF will work with GoPNG to establish a remote birth registration system in Western Province linked with the national civil registry. UNHCR will continue to promote the issuance of birth certificates to all refugee children born in PNG to reduce their risk of statelessness.

In 2007, UNHCR and GoPNG will work together to register all West Papua refugees living in PNG. UNHCR will encourage GoPNG to consider extending Permissive Residency status to all West Papuan refugees to reduce their risk of statelessness.

Objective 2: Strengthen the capacity of local partners in PNG, including GoPNG, to provide effective protection and assistance to persons of concern. (AFP goals 1.10, 3.2, 3.3, 3.4, 3.5, 4.4, 6.1, 6.2, GSO 1.5, 2.2, BRS 1c, 1f and 4c)

Situation: GoPNG's Immigration & Citizenship Division has suffered from senior staff changes, budgetary shortfalls and chronic under-staffing, all of which have directly impacted the asylum process. The lack of immigration staff and absence of procedures for RSD have been the major causes for the lengthy delay for asylum seekers to access the determination process. UNHCR intervenes and provides financial support as required to ensure the protection of non-Melanesian asylum seekers and recognized refugees while pending third country resettlement.

PNG's Constitution includes an elaborative set of basic rights and social obligations, and a statement on human principles, but a national Human Rights Commission is yet to be established to promote those accordingly.

Strategy: UNHCR will provide technical and logistical assistance to Immigration and Citizenship Division to ensure that RSD is conducted in a timely manner. Further training of Immigration officials will increase the expertise and number of immigration officials able to conduct quality RSD.

UNHCR, as a member of the UN Country Team's Human Rights Taskforce, will continue to work with the UN Group to advocate for the protection of human rights by supporting GoPNG's efforts to establish a Human Rights Commission in PNG. The UNCT is expected to seek financial support to build the capacity of GoPNG on human rights promotion under the Secretary General's Action 2. UNHCR could provide technical support by training of commission staff and lawyers in international refugee and human rights law to ensure that by 2009 the PNG Human Rights Commission and local lawyers are able to protect and advance the rights of refugees within the broader scope of protecting the basic human rights for all.

UNHCR will continue to promote activities with regard to campaign against SGBV in alliance with the Department of Community and Social Welfare Development, and will assist the refugees to create community-based mechanisms that address the protection needs of EVIs (Extremely Vulnerable Individuals), women, children, youth and elderly refugees.

Situation: Due to PNG's proximity and its close ethnic and cultural ties, it is a potential country of asylum for ethnic Melanesians from the Papua Province of Indonesia. LO Port Moresby conducted Contingency Planning workshops in Vanimo and Kiunga to update the Sundaun and Western Province annexes of the National Contingency Plan.

PNG's location between Asia and Australia also makes it a potential transit country for secondary movers. Strict border control measures introduced in PNG reduce the chances of secondary movers reaching Australia.

Strategy: UNHCR will continue to work with the national and provincial governments to update their Contingency plans. These activities raise awareness of refugee issues amongst local officials, ensure that the contingency plans stay relevant, and equip PNG officials to respond appropriately to any influx.

UNHCR will continue to conduct workshops on the role and core mandate of UNHCR, and on the Refugee Convention in relation to Migration and Human Trafficking training for GoPNG officials from Immigration, the Police, the Judiciary, and Customs. This will ensure that by 2009 competent staff at the border towns are able to identify asylum seekers and refugees among migrants, are aware of PNG's international obligations, and respond appropriately.

Objective 3: Pursue durable solutions, with a special focus on local integration of West Papuan refugees, and providing development opportunities to refugee populations. (AFP goals 3.1, 3.2, 3.3 3.4, 3.5, 5.1, 5.4, 5.6, 5.7, 6.1, 6.2, GSO 3.2, 3.3, 3.5, 5.1, 5.3, BRS 2b, 2d, and 4a).

Situation: The majority of West Papuan refugees have been settled in PNG for more than 10 years. Most rely on subsistence agriculture, and consequently have an extremely low cash income, which

limits their access to health and education services. Their reliance on subsistence agriculture makes them vulnerable to climatic extremes and environmental conditions. The remote location of the border settlements and East Awin makes genuine local integration difficult due to logistical difficulties and limited employment and economic or livelihood opportunities.

The living conditions in urban areas in PNG are also challenging. Commodity prices and housing rentals are extremely high. Apart from the general community tension and conflict and highly insecure situation, non-Melanesian asylum seekers and refugees are particularly vulnerable to xenophobic phenomenon. The prospect of local integration for non-Melanesian refugees does not seem to be an available option.

Strategy: UNHCR activities in PNG are intended to ensure that refugees have access to protection, basic relief assistance and services, whilst simultaneously promoting self-reliance and community development.

UNHCR will use the CCA and UNDAF frameworks to encourage UNCT members to implement joint projects that address the needs of refugees along with the local populations. Concurrently, UNHCR will approach the national government, line ministries, provincial administrations, national and international donors and development actors to bring them together and systematically promote the mainstreaming of refugee issues on the development agenda.

UNHCR will fund skills training and small scale micro-credit initiatives to provide refugees with the opportunity to create new livelihoods. Targeted interventions will also continue, to ensure that access to basic health and education is maintained.

Throughout the year, public information activities will be used extensively to make host communities aware of the plight of refugees, and encourage more tolerance and acceptance of asylum seekers and refugees.

Part II: COMPREHENSIVE NEEDS AND PARTNERSHIP

1. Outcomes of joint planning and management of identified gaps

A number of UN agencies notably UNICEF, UNAIDS, WHO, UNDP and UNFPA, and the international financial institutions, IMF, the World Bank and ADB are present in PNG. These agencies are well established in the country and have networks of contacts amongst government and NGO interlocutors. LO Port Moresby's active participation in the UNCT, including co-chairing the UNCT Human Rights Taskforce, participating in the Interagency Programme Committee and the Inter-Agency Disaster Preparedness and Response Management Committee, and as a member of the HIV/AIDS Theme Group, is assisting UNHCR to increase its visibility and outreach throughout PNG. Through the CCA/UNDAF process, LO Port Moresby is encouraging other UN agencies to implement joint projects that address the needs of refugees along with the local populations. Assistance from the UNCT members could be realized in the health, education, income generation, and community services sectors and also in cross-cutting areas such as gender equality, SGBV, human rights, and basic health hazard prevention (TB, Malaria, HIV/AIDS, pandemic avian influenza).

International and national NGOs present in PNG are generally affiliated with missionaries or Christian Churches. UNHCR will approach some of those international and local NGOs to consider their involvement in the mainstreaming of refugee interventions along with their normal initiatives.

The Department of Provincial and Local Government Affairs (DPLGA) and the Diocese of Daru-Kiunga (DDK) are presently the only agencies working with refugees in Western Province, although their capacity is limited. UNHCR's resources increase their capacity to implement their own programmes and in turn, these partners with local knowledge implement UNHCR's programmes.

UNHCR will facilitate networking and the formation of strategic partnerships between line Ministries (e.g. Justice, Social and Community Welfare, Foreign Affairs), Provincial administrations, and donors (ADB, World Bank, AUSAID, NZAID, EU, JICA, and DFID) to encourage investment to address infrastructure and development needs in refugee hosting areas and nearby communities.

In February 2006, LO Port Moresby conducted a participatory assessment of refugees at East Awin settlement using the ADGM (Age Diversity Gender Mainstream Methodology). Semi-structured discussions, focus group discussions, and individual discussions were held: with women leaders, aged 20 to 40 (30 persons); female youth leaders and students, aged 14 to 30 (16 persons); male youth leaders, aged 14 to 30 (19 persons); male community leaders, aged 20 to 60 (55 persons); health care workers (5M:2F), teachers (5M:2F) and Diocese of Daru Kiunga staff (6M:3F). Transport, school fees, access to fertile land for crop production, and health were the priority concerns of the adult men and women. The youth representatives ranked income generation, vocational training, and further education as their priority concerns.

The participatory assessment, in conjunction with observations (comparisons between current situations and UNHCR's sectoral Standards and Indicators) made during LO Port Moresby's regular field missions, and regular meetings with urban beneficiaries, was used to identify the needs and priorities of the beneficiary populations.

The needs of the West Papuan refugees established in East Awin population (2,677 persons) assessed against UNHCR's standards and indicators for stable situations, are: water (UNHCR core indicator 1); health (UNHCR core indicators 4 and 5); community services (core indicators 4, 5 and 6); education (UNHCR core indicators 3, 4 and 5); and protection (UNHCR core indicators 5, 9 and 10). The current situation in the transport, crop production, animal husbandry and income generation sectors has been identified as a barrier to local integration for the West Papuan refugees established in East Awin. In 2006 and 2007, UNHCR has prioritized activities that address the needs in the protection, education and health sectors, to ensure the refugees' access to protection (recognising education as a protection tool) and basic services are safeguarded before beginning the transition to development activities. Among the development activities, the transport sector is the priority for the refugees, UNHCR and implementing partners, since the current remoteness limits the refugees' access to markets and basic services, and hinders implementation of activities.

The needs of the West Papuan refugees living in border areas (approximately 5,000 persons) as assessed against UNHCR's standards and indicators for stable situations, are: health (UNHCR core indicator 4, 5 and 8); community services (UNHCR core indicators 4, 5 and 6); education (UNHCR core indicators 1, 3 and 4); and protection (UNHCR core indicators 2, 3, 5, 9 and 10). LO Port Moresby has prioritized registration and legal protection activities for this beneficiary population to

ensure they have secure legal status and access to rights enjoyed by other West Papuan refugees, and to reduce the risk of statelessness.

The needs of urban asylum-seekers and refugees (11 persons at the beginning of 2006 and reduced to 8 individuals by October 2006), as assessed against UNHCR's standards and indicators for stable situations, are: food (UNHCR core indicator 2); household goods; health (UNHCR core indicator 5); shelter (UNHCR core indicator 3); education (core indicator 1) income generation (core indicator 1) and protection (UNHCR core indicators 2, 3, 4, 11 and 12). LO Port Moresby has prioritized activities that provide basic physical protection to the urban beneficiaries to enable them to live in a clean, safe and dignified manner. The urban beneficiary's legal protection and income generation needs will be addressed through LO Port Moresby's protection and capacity building initiatives with GoPNG's Immigration Department and other relevant line ministries and humanitarian organizations in PNG.

UNHCR's partners do not have sufficient capacity or resources to implement additional activities, while UNHCR would have to increase its contribution by over 200% to meet all the beneficiaries assessed needs. In addition, UNHCR's standards are higher than the locally existing standards, meeting UNHCR's standards would create disparity and conflict between beneficiaries and locals.

Comprehensive needs and contributions

a) Contributions by the host government, refugee and/or local communities

The GoPNG, through DPLGA, has paid several installments to compensate traditional land-owners for the use of 6,000 hectares of land at East Awin. This land has been allocated to West Papuan refugees for hunting, gardening and establishment of housing. The traditional land-owners claim GoPNG still owes them a significant amount. GoPNG's current financial situation means that it is unlikely additional installments will be paid in the near future. DPLGA also employs a "Camp Administrator" to oversee East Awin and ensure implementation of UNHCR sub-projects. The East Awin Administrator is also the SGBV focal point and is involved in dispute resolution for the refugee community.

The PNG police and Provincial Administration have undertaken to post police officers and a patrol officer to East Awin, but they are not yet in place. The Registrar General's Office and the Department of Immigration also contribute resources towards registration and documentation activities.

Other operational partners including, UNICEF, WHO, UNAIDS, FAO, the PNG National Agricultural Research Institute, the PNG Sustainable Development Programme, and the Western Province Administration will be approached to implement joint projects with UNHCR across a number of sectors.

As a Christian mission, DDK has a broad humanitarian mandate. Although refugees are not DDK's "core clients", DDK still makes a significant contribution to the PNG refugee programme. DDK employs 130 staff in the education sector, 35 staff in the health sector and 100 support staff (administrative, domestic, mechanical, maintenance and pastoral), in addition to 66 missionaries that operate in Kiunga, East Awin and in the border settlements. DDK's other contributions include: payment of salaries to teachers on behalf of the GoPNG, maintaining the schools, and providing housing for teachings in the East Awin settlements to encourage teaching professionals to relocate to

the settlements; maintaining the health posts, providing housing for health care workers in East Awin, providing drugs and equipment for use in the health care centres; employing staff to maintain and operate the tractor provided by UNHCR for transporting refugees; providing support (three missionaries) to refugees located in the “unauthorised” border settlements; providing assistance to all refugee students in grade seven and above with school fees (for students in grade 11 and 12 the assistance is half of the school fee); funding the salary of an officer overseeing its “Social Programme for Refugees”.

b) Financial contributions of partners

LO Port Moresby’s activities in 2007 will focus on the development of partnerships and on the local fundraising efforts aimed at increasing the total contribution of operational partners.