



COUNTRY OPERATIONS PLAN

OVERVIEW

**Country: Australia, New Zealand and the
South Pacific**

Planning Year: 2006

2006 Country Operations Plan for Australia, New Zealand and the South Pacific

Part I: Overview

UNHCR's Regional Office in Canberra covers Australia, New Zealand, Papua New Guinea (PNG) and twelve states in the South Pacific; the Marshall Islands, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu. This Country Operations Plan submission outlines UNHCR activities planned for 2006 in Australia, New Zealand and the South Pacific. PNG is the subject of a separate COP submission.

1. Protection and socio-economic operational environment

Australia and New Zealand

Australia and New Zealand are parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (1951 Convention), members of the Executive Committee and valuable supporters of UNHCR activities. Both countries are influential in the Asia-Pacific region and make significant contributions to refugee protection, resettlement and fundraising. UNHCR is not directly involved in refugee status determination (RSD) or care of individual asylum seekers in either country. Both Australia and New Zealand have been active participants in the Bali Process, but New Zealand has temporarily suspended its membership of the Asia-Pacific Consultations on Displaced Persons, Refugees and Migrants (APC).

Despite predictions of a close contest, Australia's conservative coalition government was re-elected in 2004 with an increased majority. The election campaign focused on the economy and leadership. Unlike the 2001 election, asylum-seekers were not a prominent issue. The Government of Australia (GoA) regards mandatory detention, offshore processing ("the Pacific Solution") and temporary protection visas (TPVs) as cornerstones of its border protection and counter people-smuggling policies. GoA sees itself as a front-runner in the development of new asylum policies designed to combat people smuggling and deter "secondary movements". It is actively promoting its policies in the Asia-Pacific region and beyond.

Dialogue between UNHCR and GoA remains open and constructive. While maintaining its offshore processing policy, Australia decreased the number of asylum-seekers remaining on Nauru considerably in 2004. New regulations providing a "Return Pending Visa" and which allow some TPV holders to apply for mainstream migration visas without leaving the country, are viewed by UNHCR as positive developments. RO Canberra also considers the new "Removal Pending Bridging Visa" announced in March 2005 as a positive development. This new visa gives the Immigration Minister greater flexibility to allow long-term immigration detainees, who cannot be returned home in the short-term, to be released from detention into the community. GoA's Migration Amendment (Detention Arrangements) Bill 2005, aims to soften the current detention system. Key aspects of the changes that affect asylum seekers and refugees are new powers intended to facilitate the release of women and children from detention centres, new processing time limits for Protection visa decisions and appeals, expedited processing of outstanding permanent Protection visa applications, and increased oversight by the Commonwealth Ombudsman. Revisions were also made to regulations of the Removal Pending Bridging Visa. GoA is also establishing a high level Immigration Inter-departmental Committee to oversee the implementation of all changes, and has invited UNHCR's input. However, attempts to excise areas from Australia's migration zone, offshore processing, mandatory detention, restricted rights for TPV holders, and restrictive interpretation of some aspects of the 1951 Convention in the assessment of asylum claims (e.g. on "Effective Protection Elsewhere", Article 1D, and sur place claims) continue to be of

concern to UNHCR. RO Canberra will maintain regular interaction on policies of concern and encourage further development of a positive relationship with the GoA.

Co-operation between UNHCR and the Government of New Zealand (GoNZ) continues to be excellent. GoNZ policies and practice are generally consistent with UNHCR recommended standards and international law. New Zealand can increasingly be presented by UNHCR as a positive model to other countries in the region and worldwide. Some members of New Zealand's right-wing opposition parties are seeking to make refugees and asylum seekers a major issue in the forthcoming election in September 2005.

Australia and New Zealand continued to provide resettlement for refugees in 2004. Australia increased its quota of UNHCR referred refugees by 50% to 6,000 places, out of a broader humanitarian program of 13,000 places. The composition of the quota reflects UNHCR's global priorities. New Zealand's quota remained steady at 750 individuals. The composition of both quotas reflects UNHCR's global priorities.

While GoA's core contribution in 2004 of A\$7.3 million remained comparatively small, UNHCR was able to secure further earmarked funding for various programmes. GoA's total contribution to UNHCR in 2004 was A\$18,277,527 which represented an increase on previous years.

GoNZ's total contribution was NZ\$5.1 million, which included NZ\$1.8 million in core funding and NZ \$3.3 million in earmarked funds. These contributions represented an increase from the previous year.

GoA and GoNZ are responsible for and provide asylum-seekers within their borders with their basic humanitarian needs (food, shelter and physical security). Both countries provide financial and social benefits, and maintain settlement support services to refugee. There is also an extensive network of advocacy and operational NGOs in Australia and New Zealand, working directly with asylum-seekers and refugees. They range from small, locally based agencies to large, sophisticated and well-funded national NGOs. Together GoA, GoNZ and NGOs meet the majority of asylum-seekers and refugees' needs.

UNHCR maintains strategic partnerships with a considerable number of NGOs in Australia and New Zealand.

The attitude towards refugees and asylum seekers of Australia and New Zealand's civil society is generally positive. Civil society in these countries is an important partner for UNHCR in upholding the principles of international refugee protection.

South Pacific

Fiji, the Solomon Islands, Samoa and Tuvalu are signatories to the 1951 Refugee Convention and recently The Federated States of Micronesia has expressed strong interest in accession to the 1951 Refugee Convention. Fiji recently enacted its Immigration Act, including provisions for refugee status determination in 2003. It has yet to introduce regulations implementing the Act. None of the other countries have yet implemented domestic legislation that incorporates refugee law or procedures for the determination of refugee status. Good progress has been made towards the implementation of domestic refugee law in Fiji and the Solomon Islands.

A few South Pacific states, notably Vanuatu and Tonga, remain politically unstable. Some order has finally been restored in the Solomon Islands following the deployment of an Australian-led regional peacekeeping force. Many South Pacific states, most notably Nauru,

rely heavily on foreign aid. The existence of other South Pacific states, particularly Tuvalu and Niue, are under threat from rising sea levels and dwindling populations.

Fiji, Samoa, the Solomon Islands and Vanuatu participate in the APC and other regional fora, including the Pacific Immigration Directors Conference (PIDC) and the Pacific Islands Forum Secretariat. These provide effective multilateral fora for UNHCR to promote accession to the Refugee Convention and to encourage enactment of refugee law. In 2003, UNHCR and the PIDC signed an MOU that included information sharing on issues regarding asylum seekers/refugees and trends in their movement; UNHCR's provision of training; and local capacity building on refugee protection and refugee status determination. Model refugee legislation developed by UNHCR and the PIDC has been used by GoPNG to develop its own basic refugee legislation which is being incorporated into its newly drafted Immigration Act.

South Pacific governments operate with limited resources, priority is given to meeting the needs of their nationals. International and national NGOs are generally small, and lack the resources and expertise in refugee issues of the Australian and New Zealand NGOs. Those NGOs that do have a presence are generally human rights based, or their activities in humanitarian assistance sectors are basic because they lack technical expertise and the resources to have a serious impact. Asylum-seekers and refugees in the South Pacific therefore rely on their own or benevolent locals' resources to meet their needs.

The population of most South Pacific states has a single ethnic origin, either Melanesian (Fiji, the Solomon Islands, and Vanuatu), Micronesian (Nauru, Kiribati) or Polynesian (Samoa, Tonga, the Cook Islands), and a strong culture of tribal allegiance. Christian churches have a significant influence. Foreigners, particularly from Asia and the Middle East, are often viewed with apprehension. Refugees and asylum-seekers are not prominent concerns due to the small number of cases and more pressing domestic issues. There is often misunderstanding and fear of refugee issues among the community and key stakeholder groups, including Government officials. There is also considerable sensitivity regarding the "Pacific Solution" and the perception that Pacific Island states are a dumping ground for refugees Australia does not want.

There are a few NGOs operating in Fiji and the Solomon Islands, however, they are generally small and lack the resources and experience with refugee issues of the Australian and New Zealand NGOs. The vibrant NGO community in Fiji, particularly the human rights based NGOs, present opportunities for UNHCR to create partnerships to strengthen national protection capacities (AFP goals 3.2 and 3.3).

The South Pacific offers excellent opportunities for UNHCR to have a positive impact. However, states lack the resources and expertise to implement their own programmes without initial support from UNHCR.

2. Operational goals and potential for durable solutions

Derived from the Agenda for Protection, UNHCR's Global Strategic objectives, and the UNHCR objectives in Asia and the Pacific, the following are the overall strategic goals of the 2006 Australian, New Zealand and South Pacific refugee programme:

Australia and New Zealand

- **Promote improvements to refugee law and national protection regimes in Australia and New Zealand.** (AFP Goals 1.2, 1.3, 1.6, 1.8, 1.9, 6.1, 6.2 and UNHCR Global Strategic Objective 1)

RO Canberra will continue to review selected individual cases rejected by GoA and GoNZ authorities. Interns will prepare a summary of each case for review by protection staff. Where appropriate, RO Canberra will intervene on behalf of the individual cases. A database of cases will be used to track the progress of cases and to identify trends in assessments conducted by immigration authorities. When a trend is identified, RO Canberra will discuss concerns with the relevant authorities, and if necessary provide updated COI or briefings to government officials where this will support the authorities in their endeavour to strengthen the refugee status determination process.

RO Canberra will continue to organise meetings of legal practitioners and NGOs to discuss protection issues, and formulate coordinated protection strategies (UNHCR Global Strategic Objective 6).

- **Utilise public information and external relations activities to support protection and fund raising.** (AFP goals 1.8, 3.5 and RBAP Objective 8)

Public information activities, with particular focus on World Refugee Day, will be used to enhance awareness of and respect for refugees (AFP goal 1.8) amongst Australia and New Zealand's civil society. Public awareness activities will build understanding through the sharing of refugees' stories and highlight the positive contributions refugees can make to their host communities. PI programmes will also combat the hostile rhetoric directed towards asylum seekers and refugees by certain commentators.

PI activities including the newsletter discussion papers and RO Canberra's website, will promote informed public debate, inform stakeholders of UNHCR positions on key policy issues, and promote international protection principles. Likewise, ongoing media and parliamentary liaison will ensure informed public debate and ensure that UNHCR's position on various issues is understood – an important precursor to positive legislative and policy development.

The RO will conduct regular liaison with donors to provide updates on projects funded by Australia and New Zealand, and identify opportunities for additional earmarked funding of specific projects and for extending development assistance to refugee hosting areas throughout the Asia-Pacific region (AFP goal 3.5). Contributions will be acknowledged, where appropriate, in RO Canberra's publications.

- **Maintain or enlarge the existing resettlement programmes in Australia and New Zealand.** (AFP goals 3.6, 5.5, 5.6, UNHCR Global Strategic Objective 3 and RBAP Objective 2)

UNHCR will continue to make submissions to GoA and GoNZ on the composition of their resettlement quotas. UNHCR will also advocate that the quotas remain focussed on UNHCR protection criteria. RO Canberra will act as an intermediary between government authorities and other UNHCR offices to expedite processing of UNHCR-referred cases.

RO Canberra will utilise public information activities to increase understanding of refugee situations and promote support among host communities for resettlement programmes in Australia and New Zealand. PI activities will also acknowledge the important contributions Australia and New Zealand make in providing durable solutions to refugees through their respective resettlement programmes and the significance of this in terms of international protection and burden-sharing.

- **Ensure that UNHCR and the regional governments are actively involved in regional fora, including the Bali process and APC; and utilise these regional fora to promote UNHCR's Agenda for Protection and to generate common standards and increased multilateral dialogue.** (AFP goals 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 3.1, 3.2 and RBAP Objective 1)

RO Canberra has proposed the establishment of a post of APC Liaison Officer, responsible for following up on APC meetings to ensure the process moves forward and remains relevant. UNHCR will encourage GoNZ to resume its membership of the APC and to become actively involved in the APC process as an example of a positive model. The proposed establishment of a Liaison Office in Wellington will support these efforts. RO Canberra will cooperate with IOM in providing support to the APC Secretariat. RO Canberra will continue to participate in other regional fora such as the PIDC and the South Pacific Forum Secretariat. During these meetings, the Agenda for Protection and refugee law will be regularly promoted and incorporated into UNHCR's presentations.

South Pacific

- **Support Fiji and the Solomon Islands to implement domestic legislation incorporating the Refugee Convention and implement appropriate procedures to admit asylum-seekers and conduct formal RSD.** (AFP goals 1.1, 1.2, 1.5, 1.9, 1.11 and UNHCR Global Strategic Objective 1)

RO Canberra staff will continue to work with government officials to encourage the establishment of reception arrangements and RSD procedures. RO Canberra will offer and provide technical support and training to governments including comments and advice upon drafts of the implementing regulations.

PI activities, will support government efforts to implement legislation and regulations by enhancing understanding of relevant issues among civil society and the general public.

- **Promote Development of a regular resettlement programme in Fiji.** (AFP goals 3.6, 5.5, 5.6, UNHCR Global Strategic Objective 3 and RBAP Objective 2)

UNHCR will work with GoF officials to establish a framework for the future resettlement of refugees. RO Canberra staff will work closely with GoF officials and other UNHCR offices to identify suitable candidates to ensure a smooth and successful integration in Fijian society.

RO Canberra will utilise public information activities to help Government and NGOs provide factual information to combat negative stereotypes and misconceptions about refugees and to help build support for a resettlement program within GoF and among the general public.

- **Ensure that regional information sharing networks are established and used by UNHCR and others to obtain and disseminate information about refugees.** (AFP goal 1.8, UNHCR Global Strategic Objective 6 and RBAP objective 7)

RO Canberra will continue to develop strategic partnerships with key government officials, NGOs and UN colleagues in the South Pacific. These contacts will be used to obtain information about refugees and asylum seekers in each country, accession to the 1951 Convention and issues relevant to implementing RSD procedures or establishing resettlement programmes. This information can be used to by UNHCR to conduct needs

assessments, develop programmes, and effectively address the needs of various stakeholders.

- **Encourage two additional South Pacific states to ratify the 1951 Convention by the end of 2006.** (AFP goal 1.1)

RO Canberra will continue to utilise multilateral fora such as the APC, the PIDC and the Pacific Islands Forum Secretariat to promote accession to the Refugee Convention and the adoption of refugee law. Bilateral consultations and meetings at the political level will be held with states that express a genuine interest in accession. PI activities can support governments to inform populations about refugee issues and build support for ratification.

- **Utilise PI and External Relations activities to support protection objectives in South Pacific states.** (AFP goal 1.8 and RBAP Objective 7)

Public information and external relations activities will be used to enhance awareness of and respect for refugees (AFP goal 1.8) amongst influential leaders and civil society. Public awareness activities will highlight the positive contributions which can be made by refugees from all backgrounds to combat xenophobia often directed against foreigners from Asia and the Middle East.

Through regular liaison with donors, RO Canberra will explore opportunities for additional funding to support the development of national protection regimes in the South Pacific.

- **Ensure selected regional governments have contingency plans in place by end 2006 to manage a possible “mass arrival” scenario.** (AFP goal 1.10, UNHCR Global Strategic Objective 4 and RBAP Objective 3)

In 2006, UNHCR will conduct workshops for local police, immigration and customs officials, to familiarise them with UNHCR, UNHCR’s mandate, appropriate standards of treatment and reception arrangements for asylum seekers (AFP goal 1.9). These workshops will enhance respect for asylum seekers and refugees amongst the workshop participants, equip participants to correctly identify asylum seekers and refugees, and respond appropriately to their needs (AFP goal 2.1).

RO Canberra will conduct Contingency Planning workshops to establish contingency plans in South Pacific states with the potential for a “mass arrival”. UNHCR will involve key government officials, NGO and other UN agencies and utilise input from all participants to ensure “ownership” of the plans. In addition, UNHCR will attempt to formulate a strategy for working together with other UN agencies in the region (UNDP, UNICEF, WHO and UNFPA) to meet the needs of refugees in a mass influx scenario, specifically through bilateral discussions. These activities will strengthen the emergency preparedness and response capacity of UNHCR, regional governments, other UN agencies and local stakeholders (AFP goal 1.10, UNHCR Global Strategic objective 4, RBAP objective 3 and RBAP objective 7).