

**Special Conference on Irregular Movement of Persons
Jakarta, Indonesia
[20 August 2013]**

**Statement by Volker Türk
Director of
International Protection**

UNHCR Headquarters

Excellencies, Distinguished Delegates,

At the outset let me thank the Government of Indonesia for this initiative. UNHCR welcomes the opportunity to share with you -- within the short time available -- our perspective. The challenges faced in this region are complex. It is clear they cannot be managed by one State alone. Building on the achievements to date, the time has come, in our view, for a transformative change in approach and resolve in the way refugee and migratory flows are being addressed in the Asia-Pacific region. What we need, it seems to us, is a pact of solidarity consisting of common but differentiated responsibilities by all States affected by such movements.

Complex cross-border population movements are not a new phenomenon in this region. The uneven availability of protection, assistance and long-term solutions, family and community dispersal, labour needs, lack of access to legal migration opportunities, well-established travel routes, as well as smuggling networks, are all part of the complex fabric of mobility in the Asia-Pacific. Of late, loss of life at sea

has unfortunately again become a devastatingly common occurrence. The irregular, mixed movement of people impacts all States in the region, reinforcing the need for common responsibility to address the many factors driving these flows. This includes appropriate frameworks for refugees and asylum-seekers.

By way of response, some significant steps have been taken within ASEAN, as well as the Bali Process framework, notably through the endorsement of a Regional Cooperation Framework and the establishment of a Regional Support Office [RSO]. Although the RSO is in its infancy, there is potential to build a truly regional support service. For its part, UNHCR has developed, together with States, a number of “tools” to assist States to incorporate refugee protection considerations into migration policies. These include, for example, the *10-Point Plan on Refugee Protection and Mixed Migration*, the *Djibouti Model Framework for Cooperation following Rescue at Sea Operations*, as well as work on labour mobility for refugees.

We now need to move beyond the language of cooperation towards practical and concrete measures and arrangements. In our view, it would be good to activate a **regional “road map” for action**, focusing first on specific caseloads/populations or situations – such as irregular maritime movements. This would, for example, involve working collaboratively in defining practical protocols for rescue at sea, interception, disembarkation, processing, solutions, as well as readmission and return of those found not to be in need of international protection.

In this context, let me outline -- for your consideration -- three building blocks on which to build the way forward as part of a new solidarity pact in the region.

First, on **border management and law enforcement**, there is no doubt that smuggling and trafficking in persons are serious transnational crimes, which require rigorous law enforcement. Indeed, much progress has been made in this regard. At the same time, it is important to ensure that appropriate safeguards to protect those in need are incorporated into migration and border control. Crafting effective responses requires a solid understanding of the broader migration context, including the reasons for movement. Information campaigns, restrictive border practices and punitive measures have proved not to be adequate to prevent or dissuade movements in these circumstances. They do not work on their own. Worse, in the absence of a refugee protection and migration framework, deterrence measures can raise the stakes and therefore render the market for smugglers and traffickers more risky, but also more profitable.

A framework for responses would include the screening of irregular entrants, referral to appropriate processes on the basis of identified needs, and access to solutions and other available options. Joint processing [between States, or between States and UNHCR] in transit countries for the purpose of identifying protection needs and solutions should be given serious consideration. It would build capacity in the region and relieve pressure on existing systems. We have also advocated for the development of mobile protection teams to respond, for example, to rescue at sea situations, including assistance with reception and processing of rescued persons. UNHCR would be happy to work with States in such endeavours.

A second building block consists of **improving reception, processing and stay arrangements within the region**. In UNHCR's experience, unresolved refugee situations, especially where there are no or limited options for self-reliance, often lead to irregular movements further afield. The best way to stabilize populations where they are, while also focusing on practical concerns of States that are currently hosting refugees and asylum-seekers [including their interest in knowing who is on their territory and why], is to improve their conditions of stay whilst working out solutions.

Temporary stay or other arrangements that provide legal access to the labour market are one potential avenue to achieve this objective. UNHCR has held two meetings in 2012 and 2013 on temporary protection/stay arrangements, with the involvement of several important actors from this region, with a view to finding common ground on the type of situations suitable for such arrangements. Putting in place similar reception and stay arrangements across countries will contribute to minimize onward movements while also ensuring that beneficiaries are able to contribute in full to their host communities during their stay.

A **strong focus on solutions** is the third area in need of a renewed push, requiring the engagement and commitment of all affected States. On the part of countries of origin, in addressing the underlying causes of displacement; on the part of receiving countries, in firming up "in-country opportunities", in particular, reception and stay arrangements and access to work and meaningful lives [also matching such opportunities with their own expanding labour market needs]; and, on the part of third countries, in providing expanded opportunities for resettlement. Cooperation on **return and readmission** of persons found not in need of international protection is an

important component, especially on the part of countries of origin and transit, by facilitating such return, including through the issuance of travel and other documents, promoting consular notification and dialogue mechanisms on consular matters.

Excellencies, Distinguished Delegates,

This Conference attests to strong recognition that countries in the region share common challenges and that practical, principled and effective action is within our grasp. To further this aim, UNHCR would like to propose the establishment of a **Group of Eminent Persons** from the region, who would work together to frame responses and solutions to some of the issues I've outlined, and building on some of the ideas developed at this meeting. UNHCR would be keen to support such an initiative and would be pleased to offer our expertise to the Group by providing an eminent expert.

Thank you.