



Regional Cooperation on Refugees and Irregular Movements

Workshop

Manila, Philippines 22 - 23 November 2010

Co-Hosts' Summary

1. The Philippines and UNHCR co-hosted a workshop on *Regional Cooperation on Refugees and Irregular Movements* in Manila on 22 and 23 November 2010 following a recommendation of the Bali Process Third Meeting of Ad Hoc Group Senior Officials held in Bali, Indonesia on 10 and 11 June 2010.
2. The workshop was attended by 46 delegates, representing the governments of Afghanistan, Australia, Bangladesh, Indonesia, Malaysia, the Maldives, Myanmar, New Zealand, Sri Lanka, Thailand and the Philippines as well as IOM and UNHCR. Canada, the European Union and the United States of America attended the workshop as observers.
3. The workshop was informed by the UNHCR discussion paper *Regional Cooperative Approach to address Refugees, Asylum-Seekers and Irregular Movement*. Presentations by Australia and Indonesia, as Co-Chairs of the Bali Process, the Philippines and UNHCR also provided useful input into the discussion in plenary. This was followed by two working groups, which examined regional cooperation in the context of two different scenarios: a) small, manageable groups on the move where there are viable return solutions and b) irregular movements by sea.
4. This summary reflects the main points of the discussion.

Common tradition, challenges and commitment to cooperation

5. Participants referred to the region's long tradition of receiving refugees and finding solutions for them. Today, the Asia Pacific region is hosting more than 3.5 million refugees, many of them in situations of protracted displacement.
6. At the same time, there was concern about the growing regional and global dimension of mixed movements which include refugees and other people with specific needs as well as those who move for non-protection related reasons. Such movements raise common challenges for States which include, inter alia, irregular secondary movements, human trafficking, smuggling and national security concerns.

7. Participants mentioned that countries in the region are faced with sea arrivals and complex maritime issues. These range from law enforcement issues, to complex legal questions and humanitarian imperatives.

8. There was clear recognition that affected countries cannot resolve these issues in isolation and that a multi-lateral and cooperative approach would be beneficial for all. The need to address divergence in State practices was well recognised as was the need for a coordinated regional approach.

Regional Cooperation Framework

9. Participants saw value in complementing national responses and addressing existing gaps through an inclusive, but **non-binding regional cooperative framework** to respond to complex population and refugee movements in the region in a more predictable manner. This framework would follow an approach that is:

- **Comprehensive**, complementing law enforcement measures by also addressing the humanitarian dimension of refugee and population movements. There was general recognition that enforcement and crime prevention alone could not address the problem effectively.
- **Collaborative**, involving all stakeholders, including countries of origin, host and destination countries; countries that are party to the 1951 Convention and those who are not. This would offer the opportunity to accommodate the interests of all States concerned.
- **Differentiated** and takes account of the various categories of people on the move, including, inter alia, asylum-seekers, refugees, people who have been displaced by natural disaster and climate change, individuals with specific needs and people who can return.
- **Harmonised and addresses secondary movements**, based on common approaches and timely responses to reception, identification, registration, determination and solutions.

10. Participants highlighted the following elements of the framework:

- Increased **information exchange** among States on irregular movements, bearing in mind confidentiality principles. The increased engagement of States with regard to identification, registration and documentation was noted as a means of enhancing knowledge as to who is on the territory and to address security concerns. Other relevant international organizations could increase information sharing on rejected asylum-seekers, bearing in mind data protection principles.
- Measures to address **causes** of irregular movements. Strategies to combat human smuggling and trafficking in persons, information campaigns on the dangers of

irregular movement as well as development assistance in source countries were viewed as key elements in this respect. The overarching concern is the prevention of loss of life at sea.

- Measures for **processing and case management**, including relevant procedures from the arrival or apprehension of a person with irregular status through to the determination of their status.
- Practical measures to **facilitate sustainable return, in safety and dignity, preferably on a voluntary basis**, of those people who are not or no longer in need of international protection. Temporary permission to stay in host countries for those who cannot return immediately could contribute to the sustainability of return.
- Measures to enhance **burden-sharing and resettlement options**, including through support from third countries.

11. Participants emphasized that such measures will need to be developed in such a way as not to create additional pull factors.

12. Participants welcomed the **UNHCR discussion paper *Regional Cooperative Approach to address Refugees, Asylum-Seekers and Irregular Movement*** as attached to this summary. The areas of common understandings developed in the paper were considered to be relevant to and provide a useful reference point to address irregular movements. They could form the basis of workable arrangements among different stakeholders. Such arrangements would be informed by the range of tools set out in the paper. There was also general interest that the three regional support functions could provide valuable practical support to States.

13. Participants also suggested practical elements in regional cooperation arrangements that might include national/regional **Standard Operating Procedures (SOPs)** on when and how to intervene with regard to boat arrivals; a possible regional processing centre or centres; **institutionalized channels of dialogue** among affected countries; sharing of **good practices** between States both within the region and beyond.

Next steps

14. Participants recommended that the results of this meeting be presented to the next meeting of the Bali Process Ad Hoc Group Senior Officials for submission to the Ministerial Conference scheduled to take place in 2011.

15. Participants recognized that it was a useful approach to explore different scenarios. They suggested convening a workshop to explore how the regional cooperation framework could be applied to other relevant scenarios.