

**THE INTER-GOVERNMENTAL ASIA-PACIFIC CONSULTATIONS ON
REFUGEES, DISPLACED PERSONS AND MIGRANTS**

**Eleventh Plenary Session
Xiamen, China
23-25 November 2006**

CHAIR'S SUMMARY

1. The 11th Annual Plenary Session of the Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) was convened in Xiamen, China, on 23-25 November 2006.
2. The meeting was hosted by the Government of China and was attended by representatives from Afghanistan, Australia, Bangladesh, Cambodia, China, Hong Kong SAR of China, Fiji, Indonesia, Mongolia, Myanmar, Nepal, New Caledonia, Pakistan, Papua New Guinea, Philippines, Samoa, Sri Lanka, Thailand, Vietnam, as well as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).
3. Mr. Wu Hailong, Director-General of the Department of International Organizations and Conferences of the Ministry of Foreign Affairs of China, addressed the opening session which was presided by Mr. Qiao Huijun, the APC Coordinator. Mr. Wu pointed out the importance of maintaining world peace and realizing common development to the removal of the root causes of refugees, displaced persons and irregular migration. He also emphasized “international solidarity, responsibility sharing”, avoiding abuse of asylum regime, and giving full play to the roles of UNHCR, IOM and other international organizations and regional arrangements.
4. Mr. Veerapong Vongvarotai, UNHCR Regional Representative to China and Mongolia, and Ms. Irena Vojackova-Sollorano, Chief of Mission and Representative for Southeast Asia of IOM, addressed the opening ceremony. Mr. Vongvarotai pointed out that the 1951 Convention Related to the Status of Refugees and its 1967 Protocol remain the cornerstone of the international protection regime. He agreed that refugee and migration issues cannot be solved by individual countries on their own, so there is a clear need for more and better information-sharing, cooperation, and coordination in this region. Mr. Vongvarotai also assured UNHCR's readiness to strengthen the protection capacities of the countries in this region. Presenting IOM's perspective, Ms. Vojackova-Sollorano stated that for the past ten years, the issues of refugee, migration and displaced persons have changed and become more complex. The boundaries between these issues have blurred as the numbers have grown and the migratory flows have become mixed in their composition. Therefore, APC, as a long standing consultative process, has proven its worth in bringing this evolutionary trend to light. Ms. Vojackova-Sollorano also pointed out the necessity to manage migration utilizing a comprehensive approach beyond enforcement measures. In this regard IOM stands ready to assist in the implementation of a concrete action plan if and once agreed upon. Mr. Du Mingcong, the Deputy Director-General of the

Standing Committee of Xiamen People's Congress, also addressed the opening ceremony, extending a warm welcome to all participants present at this year's Plenary.

5. The meeting was chaired by Mr. Qiao Huijun, APC Coordinator and Deputy Director of the Department of International Organizations and Conferences of the Chinese Foreign Ministry. UNHCR and IOM also moderated discussions and made presentations on the asylum-migration nexus and the outcomes of the High Level Dialogue respectively.

6. Australia briefed the meeting on the progress of activities in the Bali Regional Process on People Smuggling, Trafficking in Persons and Related Trans-national Crime (Bali Process) in the past year and on the plan for future activities.

7. Fiji, representing the Pacific Immigration Directors Conference, briefed the APC plenary on its activities in 2006.

8. IOM briefed the plenary on the agreement reached between China and IOM for the establishment of an IOM liaison office in Beijing. The Head of Office expressed his readiness to support the host country in its migration management efforts.

9. Participants discussed the theme "Enhancing Regional Cooperation to Address Current Challenges in Refugee Protection and Migration Issues", which was set by the 2005 Plenary. The three sub-themes were "Asylum and Migration Nexus", "Regional Perspective on the High Level Dialogue on Migration and Development", and "APC Future Direction and Activities" respectively.

10. Although refugee flows in the Asia-Pacific region may be considered relatively modest in quantitative terms, migratory flows have grown substantially, displaying unparalleled complexity. Today's migration involves mixed flows in some cases, composed of both refugees and migrants. The specificity of the international refugee protection regime and UNHCR's mandate remain a crucial cornerstone of today's responses to this changed environment. Of equal importance is the strengthening of legal migratory channels and the enhancement of avenues for the identification of migrants who enter countries outside of legal options.

11. The resulting challenge for countries in the region is to determine who, within these mixed and at times irregular migratory flows, is in need of international protection and in need of identification. The 1951 Convention/1967 Protocol relating to the Status of Refugees is not only the key legal instrument to distinguish between refugees and migrants, it has also demonstrated to be an efficient tool of managing the forced displacement component within today's international migration context. Accession to the 1951 Convention/1967 Protocol, the implementation of its provisions at a national level, and closer cooperation between governments and UNHCR, for instance through joint screening procedures, is believed to be a constructive response to this challenge.

12. A further challenge is that refugee and irregular migrant issues are at times perceived a cause of friction and political tension between countries. Also, the public at large is not always aware of the plight of refugees and vulnerable migrants. As granting international protection is ultimately a humanitarian act, the focus would

need to be on the needs of those forcibly displaced, rather than the reasons that compelled them to flee, as well as on creating awareness and understanding of the special situation of refugees and vulnerable migrants, for instance, through public information campaigns.

13. In recent years, concerns relating to national security have increasingly come to the fore. UNHCR takes these concerns seriously. It is believed that national security concerns can be adequately addressed within the existing legal framework.

14. The discussion on migration trends as well as costs and benefits of migratory flows in the region was led by IOM with a briefing on “Enhancing Regional Cooperation on the Basis of Understanding Migration Flows in the Region”.

15. Some participants mentioned the lack of effective legal structure and practices of labour migration management for the protection of migrant workers.

16. Some government participants presented their own experiences in dealing with refugee and migration issues and expressed a willingness to share them with other APC members.

17. Multilateral cooperation is key and needs increasingly lead to more information exchange, enhanced technical cooperation in discrete areas and effective capacity-building strategies.

18. There was broad agreement that the APC should become more action-oriented and practical. The following actions were proposed for consideration for inclusion in a more practically oriented plan of action:

- Establishment of an APC specific database on best practices, model laws, legislation, and capacity building to assure a better understanding of the refugee and migration nexus;
- Creation of an Asia-Pacific legal training programme based on the San Remo model;
- Study tours or similar familiarization activities in an effort to expose countries to international refugee protection systems, in particular RSD procedures, as well as registration of irregular migrants and displaced persons, with a view to effecting harmonization of practices in these areas. In this context, Pakistan suggested that APC could undertake an on-site visit to share Pakistan’s first-hand experience in the refugee area.
- A workshop on drafting national refugee legislation;
- A workshop on internal displacement, in order to share experiences and best practices to address it;
- A workshop on repatriation/re-admission agreements, including on rejected asylum seekers, to further examine their effectuation in practice;
- A workshop on the issue of statelessness in the Asia-Pacific region and how to address the challenges it poses;
- A workshop on follow-up to the HLD so that the APC can make its proper regional experience available to the 2007 Global Migration Forum, emphasizing in particular the need to include the migration-asylum nexus and the refugee perspective into this dialogue;
- Bangladesh and Fiji suggested that APC may consider introducing the

coordinator-troika system to improve coordination and continuity in the APC Process.

19. The activities under the aforementioned APC work plan, to be implemented over a two-year period, will be coordinated by the incoming APC Chairs, in close cooperation with UNHCR, IOM and the administrative support by Australia. Depending on the topic and the nature of the activity, participation in certain activities may take place at a sub-regional level. The APC recognized the preference to hold a workshop on internal displacement during 2007 and the need for the proposed workshop on the HLD to be held at a time which will support APC's contribution to any future Global Forum meetings.

20. Thailand offered to host a workshop on irregular migrant registration in 2007.

21. Participants discussed the differences and linkage between the 'Bali Process' and the APC. They pointed out that each process should have their proper focus and the problem of overlapping should, to the extent possible, be avoided. The advantage of the APC is its focus on particular groups of people on the move, their special needs and corresponding response mechanisms.

22. The APC Coordinator reported to the Plenary Meeting on the APC activities in 2006 for its second-year term as APC Chair since January 2005.

23. The Plenary thanked Australia, UNHCR and IOM for their cash or in-kind contribution, and also acknowledged the significant contribution in kind of the Government of China. The offer by Australia to provide a full time officer to assist the APC Chair through the provision of administrative and secretariat support was warmly welcomed by the delegates.

24. Nepal and Bangladesh indicated their willingness to take over the APC Chair for 2007, which was welcomed by the Plenary. They were encouraged to consult with each other and coordinate with the current APC Chair on the future arrangement. The current APC Chair would also conduct consultations with APC members on this as well as regarding decision to chair APC in 2008 to facilitate two-year work plan.

25. New Caledonia and the Pacific countries suggested that the Chair's Summary as well as other documents generated by the APC Process and the draft calendar of APC activities will be shared with all APC members and relevant international organizations, and through the APC website.

26. The meeting expressed its appreciation and gratitude to the Government of China for chairing APC for two successive years, its hospitality in hosting the 11th Plenary Meeting and to the APC Coordinator for the excellent preparations for the meetings and activities during 2006.