

## NAURU

Nauru is not a signatory to the Refugee Convention and has not established a formal refugee protection framework either. Nauru recently signed the ICCPR and its First Optional Protocol.

Nauru hosted approximately 800 refugees and asylum seekers at the end of 2001, with more than 300 others scheduled to be transferred to Nauru from Christmas Island soon after the New Year.<sup>1</sup> The vast majority were Afghans and Iraqis whom the Australian government had brought to Nauru as part of a new Australian policy toward asylum seekers known as the “Pacific Solution” (see chapter on Australia above).

UNHCR initially agreed, albeit reluctantly, to process the asylum seekers brought to Nauru as part of the Pacific Solution.<sup>2</sup> However, with the numbers and controversy surrounding the solution growing, in late September 2001 the agency refused to process new arrivals.<sup>3</sup> Australia sent in its own immigration officials to screen the new arrivals under the minimal requirements of the Refugee Convention, rather than under Australian law.<sup>4</sup> Those who are granted asylum remain in detention until they are resettled in third countries.<sup>5</sup> Resettlement will take 6-12 months, according to UNHCR, belying the Australian government’s assertion that it does not detain refugees.<sup>6</sup>

Currently there is no UNHCR office in Nauru, which is covered by the office in Canberra, Australia. In the meantime, there is no ongoing independent monitoring of asylum seekers held in Nauru, asylum seekers there reportedly have no habeas corpus or other rights with which to challenge their potentially indefinite detentions, and asylum

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<sup>1</sup> U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 110, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> E-mail from Vanessa Lesnie, Australian Human Rights and Equal Opportunity Commission (HREOC), to Suzanne Spears, Debevoise & Plimpton, (Aug. 13, 2002)(on file with Debevoise & Plimpton)[hereinafter HREOC Correspondence].

<sup>6</sup> *Decisions handed down on Nauru and Manus Island*, NEWSLETTER (Refugee Council of Australia, Glebe, NSW, Austl.), April 2002, *available at* [http://www.refugeecouncil.org.au/html/news\\_and\\_events/news/newsletter\\_current.html#decision](http://www.refugeecouncil.org.au/html/news_and_events/news/newsletter_current.html#decision) (last accessed Sept. 16, 2002).

seekers have no access to legal representation.<sup>7</sup> On December 6, Amnesty International issued a report describing Australia's "Pacific Solution" as "unsustainable and inhumane," and described conditions at the Nauru camp as "hellish."<sup>8</sup>

Nauru is a party to the United Nations Convention on the Rights of the Child. In May 2002, there were 243 children detained on Nauru.<sup>9</sup>

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<sup>7</sup> E-mail from Nehal Bhuta, Mallesons Stephen Jacques, to Jaya Ramji, Debevoise & Plimpton, (Mar. 20, 2002) (on file with Debevoise & Plimpton) [hereinafter Mallesons Stephen Jaques Correspondence].

<sup>8</sup> USCR WORLD REFUGEE SURVEY 2002, *supra* note **Error! Bookmark not defined.** at 110.

<sup>9</sup> Human Rights and Equal Opportunity Commission, Internal e-mail communication containing numbers gathered from DIMIA forwarded to Suzanne Spears, Debevoise & Plimpton (May 2, 2002) (on file with Debevoise & Plimpton) [hereinafter HREOC II Correspondence].