

East Asia and the Pacific

Australia
Brunei Darussalam
Cambodia
China
Indonesia
Japan
Malaysia
Mongolia
New Zealand
Papua New Guinea
Republic of Korea
Singapore
South Pacific
Thailand
The Philippines
Timor-Leste
Viet Nam

Major developments

The breakdown of negotiations between the Government of Indonesia and the Free Aceh Movement in May 2003 resulted in the declaration of martial law and a renewal of fighting in the Indonesian province of Aceh. Over the course of the year, neighbouring Malaysia registered 5,600 asylum-seekers, a sharp increase on the 2002 figure. In addition, another 8,000 persons from Myanmar requested protection and assistance from UNHCR. The upsurge in asylum applications coincided with a crack-down on illegal migrants in Malaysia. In August, Malaysian authorities detained some 290 asylum-seekers who were in front of the UNHCR office. UNHCR intervened at the highest levels and strengthened its processing and protection capacity. Many asylum-seekers were still detained at the end of 2003, with 9,000 people awaiting interviews.

In 2003, UNHCR was actively engaged in discussions with the Chinese authorities on the plight of North Koreans in China, and made repeated requests for access to these individuals. However, the Government maintained that they were illegal migrants and not refugees. UNHCR conducted an analysis of the situation and on that basis confirmed, in September



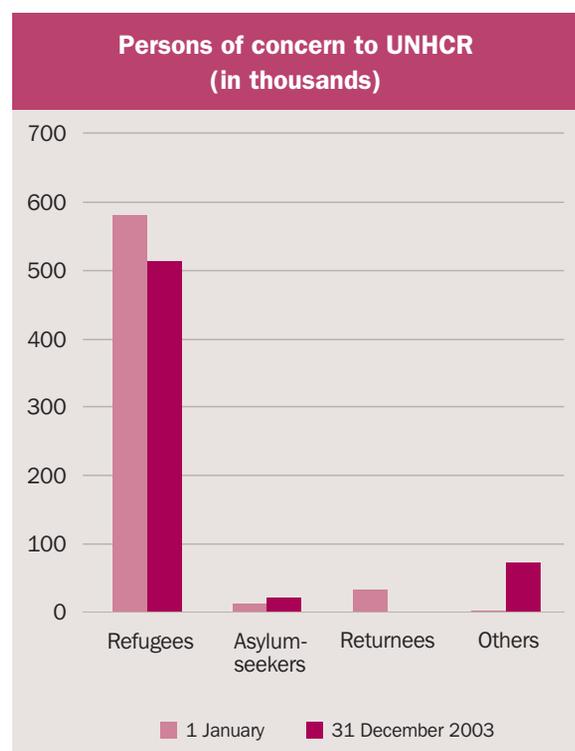
2003, that North Koreans in China are, as a group, of concern to the Office. UNHCR called on China to observe its international obligations.

In Timor-Leste (formerly East Timor), the declaration of cessation of refugee status for East Timorese at the end of 2002 was followed by fewer than 500 returns in 2003, a sharp decline from the 32,000 returns in the previous year. East Timorese remaining in Indonesia cited concerns over security, poor economic prospects, and a lack of social services as reasons for opting not to return. A five-point strategy to pursue durable solutions for the remaining East Timorese in West Timor (Indonesia) resulted in the construction of 900 houses in West Timor and Sumba and the closure of several camps.

Challenges and concerns

UNHCR remains constrained by lack of access to asylum-seekers and populations of concern throughout the region. UNHCR faces particular difficulties in gaining access to areas of first asylum in the north-eastern provinces of Cambodia, potential

areas of return in the Central Highlands of Viet Nam and to areas along the Chinese border with North Korea. Even where UNHCR does have access, only a



few of the relevant States have acceded to the 1951 Refugee Convention and have national legislation to deal with refugees and asylum-seekers. The increased focus of many governments on security and pursuing their national interests bilaterally, rather than through multilateral means, has impacted negatively on the Office's ability to achieve its strategic objectives, particularly with regard to ensuring effective asylum. Exemplifying this dilemma for UNHCR was the detention in August of asylum-seekers from in front of UNHCR's

office in Kuala Lumpur and then, in November, the retroactive excision of a number of islands (the decision was later overturned) from the Australian migration zone when a boat carrying 14 asylum-seekers reached Melville Island. The boat was returned to Indonesian waters where the asylum-seekers were interviewed by UNHCR and their claims rejected.

UNHCR's efforts to find durable solutions for former East Timorese refugees in Indonesia were constrained by the ongoing UN Security Phase V

Papua New Guinea: Refugees from Indonesia in a refugee settlement in the Western Province. *UNHCR/A. Harper*



(compulsory evacuation) in West Timor, first declared in September 2000, following the murder of three UNHCR staff. UNHCR is required to seek clearance from UN New York and undertake a security assessment before a mission can take place.

Progress towards solutions

On 7 May, Timor-Leste acceded to the 1951 Refugee Convention and its 1967 Protocol. In Viet Nam,

UNHCR had productive interventions with the authorities on the naturalization and local integration of 2,400 Cambodians who had resided in Vietnamese camps since fleeing the country in 1979. A decision ending this saga is expected by 2005. In Papua New Guinea, UNHCR supported the registration of 2,500 refugees. This was an essential step in obtaining Permissive Residency certificates for this group. In West Timor, the construction of 870 houses permitted the closure of several camps for former East Timorese refugees and contributed to a reduction in tension along the border with Timor-Leste. By the end of 2003, only 385 files of East Timorese separated children remained open: 53 cases in Timor-Leste, 174 in West Timor and 123 elsewhere in Indonesia. The location of 35 children who were separated from their parents as a result of the conflict remains unknown. Given the lack of progress towards achieving voluntary repatriation or local integration in the region, resettlement remained the primary durable solution for some. Five hundred refugees departed for resettlement from Malaysia (up from 102 in 2002), 450 from Thailand, 314 from Indonesia, 165 from Cambodia, and 104 from Hong Kong.

Operations

UNHCR's operations in **Indonesia** and **Thailand** are described in separate country chapters.

The number of asylum-seekers arriving in **Australia** by boat continued to fall from the 2000/2001 peak. The decrease is attributed to a significant change in circumstances in Afghanistan and Iraq and increasingly stringent border control measures. Australia remains one of the foremost resettlement countries and a significant donor to UNHCR. However, its increased reliance on temporary protection visas limited refugees' access to travel documents and social security benefits, and tended to rule out family reunification for those refugees who had arrived in Australia in an unauthorized way. This was in marked contrast to its formerly generous settlement package which remains available to resettled refugees. UNHCR continued to express concern over the mandatory detention, including that of children, and the physical rejection of the *Melville Bone* with 14 asylum-seekers aboard in November 2003. UNHCR visited eight detention centres in Australia and New Zealand during 2003.



Cambodia is one of two ASEAN countries which is a signatory to the 1951 Refugee Convention and its 1967 Protocol. However, it still lacks legislation and administrative procedures to process asylum-seekers. In December, UNHCR submitted a draft decree on asylum to the Royal Government of Cambodia. The draft Decree is part of an effort to establish a comprehensive asylum system in Cambodia, including the creation of relevant national institutions. During 2003, 39 Vietnamese *Montagnards* were able to reach the protection of UNHCR in Phnom Penh. During the same period, 162 *Montagnards* were resettled to the United States. Cambodian authorities continued to restrict efforts by UNHCR to obtain access to asylum-seekers in provincial areas.

In the absence of national legislation and regulations in **China**, UNHCR continued under its mandate to reach out to persons in need of international protection, in addition to providing material assistance and identifying durable solutions. UNHCR also pursued durable solutions for some 299,000 Vietnamese refugees. Regardless of their legal status, most Vietnamese refugees have integrated locally and achieved a high level of self-reliance. It is against this background that UNHCR will disengage itself from the management of the credit scheme established with the aim of increasing the self-sufficiency of the Vietnamese refugees and seek the involvement of UN agencies with longer-term development expertise. The Office will, however, continue to work with the Chinese authorities on the legal integration of this group.

In 2003, 390 asylum-seekers from 33 countries approached UNHCR's office in **Hong Kong SAR**. The Government remained a non-signatory to the 1951 Refugee Convention. While the authorities observe the principle of *non-refoulement*, refugees do not have the right to work, and rely almost exclusively on UNHCR for basic assistance. Assistance was provided in accordance with local minimum welfare standards and, whenever possible, through partnerships with local NGOs. On the other hand, the Government has offered the possibility of local integration to 1,400 former CPA Vietnamese refugees, who were de facto stateless persons. UNHCR continued to monitor progress towards the full local integration of residual Vietnamese groups. In neighbouring **Macao**, UNHCR was actively engaged with the authorities in supporting the finalization of asylum regulations, and in providing training in refugee status determination (RSD). Upon adoption of the

Administrative Refugee Regulations submitted by the Ministry of Justice to the Legislative Council of Macao, UNHCR will assist with further capacity-building initiatives.

The proposed revision of the Immigration Control and Refugee Recognition Act was not adopted by the **Japanese** Diet during its 2003 Session. While Japan extended significant financial support to UNHCR, as the Office's second largest donor, the Government's restrictive attitude towards asylum continued to be reflected in the low number of asylum-seekers filing claims and the two-percent recognition rate. In the **Republic of Korea**, which has been conducting national RSD since 2001, 12 persons were recognized as Convention refugees. Unfortunately, delays of two to three years still commonly occur before applicants have the opportunity to have their cases assessed. UNHCR's advocacy efforts in Japan and the Republic of Korea are leading to gradual acceptance of the concept of refugee protection in these countries. The Tokyo-based Regional Centre for Emergency Training (eCentre) entered its fourth year of programme implementation and conducted 11 emergency preparedness workshops in eight countries.

In **Malaysia**, UNHCR struggled to cope with a massive rise in the numbers of asylum-seekers. Nearly 15,000 persons were registered in 2003 (compared with 2,500 in 2002). Most asylum-seekers originated from Chin and North Rakhine States in Myanmar and from the Indonesian Province of Aceh. While the number of resettled persons increased from 102 to 500, as of 31 December 2003 a backlog of over 9,000 cases remained. UNHCR also introduced a computerized registration system. UNHCR provided counselling to over 500 persons of concern in detention centres and, where appropriate, sought their resettlement. Sixty refugees were released from detention upon confirmation of their acceptance for resettlement. Contingency planning and emergency preparedness workshops were conducted in Sabah, Johor Bahru, Putra Jaya and Kuala Lumpur. Attempts to engage civil society were constrained by Malaysian legislation which barred NGOs from working with undocumented refugees and asylum-seekers.

In **Mongolia**, the authorities maintained a humanitarian policy permitting temporary protection to asylum-seekers and refugees, pending durable solutions. Although the Government maintained its

interest in accession to the 1951 Refugee Convention, this was not realized in 2003.

UNHCR maintained a close relationship with **New Zealand** whose reception of asylum-seekers is considered to be a model for the region. UNHCR's activities in New Zealand are covered from the regional office in Canberra, Australia. New Zealand settled 698 refugees in 2003, 35 of whom were cases from Nauru.

UNHCR supported the registration of 2,500 refugees at the remote East Awin relocation site in **Papua New Guinea** (PNG). In addition, 1,185 refugee children born in PNG were registered for the issuance of birth certificates. Applications for Permissive Residency certificates were distributed to refugees over 18 years of age (including women, for the first time). UNHCR undertook frequent missions throughout PNG and initiated the voluntary repatriation of 65 refugees to Indonesia in December. Some of the refugees had been in PNG for over 40 years. A joint contingency planning workshop, covering three scenarios for mass arrivals, was organized, as well as another workshop to develop refugee legislation consistent with PNG's international obligations as a Convention signatory.

In **the Philippines**, a revised immigration bill, which incorporated asylum procedures for refugees, and a framework for the treatment of refugees and asylum-seekers, remained pending with the Senate. A second bill relating to the granting of permanent residency to screened-out Vietnamese was submitted for plenary debate in October 2003. It was unlikely that either bill would be passed before presidential elections in April 2004. UNHCR, in collaboration with a government institution, conducted seven workshops on emergency response and humanitarian standards. Following a regional review of priorities, a decision was made to discontinue the representative position in Manila and a legal officer post was set up instead.

UNHCR conducted a workshop in **Fiji** to develop its refugee legislation. An MOU was also signed between the Pacific Immigration Directors' Conference and UNHCR, pertaining to information sharing, training and local capacity-building on refugee protection and RSD. Although five **South Pacific** States are signatories to the 1951 Refugee Convention, none has relevant domestic legislation or systematic RSD procedures.

As of 31 December 2002, the "ceased circumstances" clause contained in the UNHCR Statute and in the 1951 Convention became applicable to refugees from **Timor-Leste** who had fled as a result of events prior to 25 October 1999. Despite the continuation of returnees procedures on both sides of the border, only 452 persons returned to Timor-Leste in 2003. This brought the total number of returnees since 1999 to 225,000. UNHCR believes that most of the remaining East Timorese in Indonesia have significant reasons to remain (employment, education, pensions) and are unlikely to repatriate to Timor-Leste in the near future. To facilitate voluntary repatriation, UNHCR assisted in bringing about 17 border and reconciliation meetings between Timor-Leste and Indonesia. Inside Timor-Leste, UNHCR monitored the reintegration of 600 returnees who were identified as potentially at risk. Between November 2002 and December 2003, 400 returnees in 100 villages were visited and protection measures reinforced as required. UNHCR also worked with a local NGO to conduct SGBV workshops in five villages. Following the accession to the 1951 Convention and its 1967 Protocol, an Immigration and Asylum Bill was promulgated on 15 October 2003. The law, while restrictive, conforms to the 1951 Refugee Convention.

In **Viet Nam**, UNHCR will support the naturalization of Cambodian refugees who have been in several refugee camps since 1979. The camps, which at one point accommodated 35,000 Cambodians, are reported currently to host 2,400 refugees. The break down of a tripartite agreement in 2002, which covered the potential repatriation of Vietnamese *Montagnards* from Cambodia, continued to hinder efforts to seek access to areas of return, particularly in the Central Highlands.

Funding

A number of donors continued to show a special interest in the East Asia and the Pacific region in 2003. While the level of funding was comparable to 2002, the Office gained greater flexibility in its allocation of resources as a consequence of the increase in contributions earmarked at the subregional level (and a corresponding decrease in country level earmarking).

Voluntary contributions - Restricted / Earmarked (USD)

Earmarking ¹	Donor	Annual programme budget	
		Income	Contribution
East Asia and Oceania			
	Australia	1,902,249	1,902,249
	Japan	3,500,000	3,500,000
	United States of America	7,155,000	7,155,000
Indonesia			
	<i>Association Française de Soutien à l'UNHCR (FRA)</i>	17,801	17,801
	European Commission	144,218	151,844
	Japan	500,000	500,000
	Japan Association for UNHCR (JPN)	119,085	119,085
	Spain and Other Administrations	9,533	0
Malaysia			
	United States of America	35,600	35,600
Thailand			
	European Commission	2,285,714	2,285,714
	Japan	500,000	500,000
	Luxembourg	257,143	257,143
	Switzerland	296,296	296,296
	United States of America	34,730	34,730
Total		16,757,369	16,755,462

¹ For more information on the various earmarkings, please refer to the donor profiles.

Budget and expenditure (USD)		
Country	Revised budget Annual programme budget	Expenditure Annual programme budget
Australia and New Zealand	988,396	967,621
Cambodia	602,069	561,624
China	3,767,921	3,492,983
Indonesia	7,960,754	7,343,611
Japan	3,155,070	2,962,382
Korea (Rep. of)	408,779	389,495
Malaysia	1,467,103	1,381,931
Mongolia	98,924	58,603
Papua New Guinea	418,358	369,681
Philippines	340,497	336,875
Singapore	57,800	39,265
Thailand	6,284,606	5,583,852
Timor Leste	1,535,101	1,414,692
Viet Nam	90,187	71,259
Regional projects ¹	93,870	71,031
Total	27,269,435	25,044,905

¹ Includes general protection activities and dissemination of refugees law in Asia, transports and repatriation within Asia, and scholarships for refugees students.