

REGIONAL STRATEGIC PRESENTATION SUMMARY
32ND STANDING COMMITTEE MEETING (8-11 March 2005)

Bureau for Asia and the Pacific

Part A: Introduction:

In response to the extraordinary emergency provoked by the earthquake and subsequent tsunamis in the Indian Ocean on 26 December 2004, UNHCR decided to provide, as an exceptional measure in the context of a natural disaster, time-limited humanitarian assistance in Sri Lanka and Indonesia, based on a request from the United Nations Secretary-General to all United Nations agencies. This measure, planned and carried out in coordination with the UN Country Teams in both countries, also took into account UNHCR's experience, expertise and presence – particularly in Sri Lanka. Donors, both public and private, have responded positively to UNHCR's request to assist in this effort through providing nearly \$50 million dollars to date and several million more in in-kind assistance.

In its Asian operations, UNHCR has met new opportunities with innovation and new dialogue, resulting in unexpected achievements; though confronted in some cases with equally unexpected constraints. In this Note, the Office provides a compendium of interventions, tying them into a broader strategy of meeting global priorities and improving performance in the implementation of UNHCR's protection and assistance programmes.

It is the intention of the Office to grasp new opportunities and openings by embarking on high-level consultations with governments on key issues of concern to them and to UNHCR. The goal is to tackle - together with governments - challenges arising from complex migratory flows, the changed security environment as well as the pursuit of durable solutions for refugees and persons of concern in the region.

Part B: Progress on Strategic Objectives and Implementation of the Agenda for Protection

Strengthening the refugee protection framework (Strategic Goals 1 and 4, AfP 1, 2, 4)

- In **Papua New Guinea, Japan, India** and the **Republic of Korea**, UNHCR welcomed the opportunity to provide advice and support to strengthen national protection capacities.
- In **Malaysia**, great progress was achieved in the protection of persons of concern through more government engagement in refugee protection, increased public awareness and heightened visibility of refugee issues. The Government's announcement of its intention to grant temporary residence permits to all Muslim former residents of Northern Rakhine State, Myanmar (generally known as Rohingyas) was welcomed as it greatly improves the situation of this vulnerable refugee group. Additionally, the Malaysian police force announced that, henceforth, the police would recognize the validity of UNHCR documentation and would cease to arrest persons of concern to UNHCR holding such documentation. A third announcement from the Ministry of Health gave those of concern to UNHCR access to public medical services at the same rate enjoyed by Malaysian citizens, including free care at some teaching hospitals. More generally, high-level meetings with the Government of Malaysia resulted in assurances from the Government that persons with UNHCR documentation would be exempt from ongoing crackdowns on "illegal" migrants.
- In **Papua New Guinea**, UNHCR was instrumental in providing 4,000 birth certificates to refugee children who were previously undocumented, a critical step in ensuring that the children (and their parents) can access residential permits and avoid the possibility of becoming stateless. Permissive Residency applications were also provided to all eligible refugees in the remote East Awin refugee site (including women for the first time).
- In **India**, the Government decided to extend the validity of residential permits for Afghan refugees.

- In **Viet Nam and Cambodia**, a major breakthrough was made with regard to the Montagnards when Viet Nam initiated tripartite consultations in January 2005. This led to the signing of a Memorandum of Understanding which institutionalizes and confirms temporary protection in Cambodia, and provides a framework for the resolution of the situation of Montagnards, mainly through the options of return or resettlement. The agreed mechanism renders the asylum process and protection delivery more predictable and includes a commitment from Viet Nam that returnees will not be prosecuted or discriminated against on the basis of their illegal departure.
- **Thailand** continues to host some 140,000 refugees. UNHCR welcomes the imminent establishment of a national asylum procedure through the Provincial Admission Boards (PABs) for asylum-seekers from Myanmar. The PABs, in addition to the criteria of “fleeing fighting” for admission to the camps, will now also use the criteria of “fleeing persecution” for temporary asylum pending resettlement, a significant and positive revision of the previous arrangement. In order to implement the new criteria, intensive training activities with local and central authorities are being initiated.
- UNHCR is working closely with **Mongolia’s** Task Force on accession to the 1951 Convention relating to the Status of Refugees established by the Government in 2004. UNHCR hopes the Task Force will be instrumental in moving the country closer to ratifying the 1951 Convention and developing and implementing national refugee legislation.
- UNHCR welcomed the successful migrant workers’ registration conducted in **Thailand**, which ensures that people who wish to migrate have options other than resorting to the asylum system. Some 1.2 million migrant workers were registered, including some 850,000 from Myanmar.
- A growing number of **North Koreans** are seeking to move out of China, either by travelling to South-east Asian countries or by forcing their way into embassy premises and most recently into international schools. There has also been a noted increase in the proportion of women seeking asylum. UNHCR remains concerned about alleged instances of deportation and will continue to engage the Chinese Government on these issues.
- UNHCR remains an active participant in the “**Bali process**” and is a member of the steering group which oversees the process. While the follow-up to the senior officials’ meeting in Brisbane, Australia in 2004 has focused on border control and legislative issues, UNHCR remains engaged to ensure that the small proportion of people in need of international protection within the larger migration movements can be assisted to find durable solutions and do not pose a burden on receiving states. UNHCR also maintains strong engagement in the inter-governmental **Asia-Pacific Consultations** (APC) on Refugees, Displaced Persons and Migrants. UNHCR welcomes the assumption of the APC Secretariat by China for 2005, and the proposal to revitalize the consultations.
- UNHCR and the Government of **Fiji** organized a workshop on “Reconciling Legitimate State Interest to Control Immigration with Refugee Protection” as a follow-up to the second regional Ministerial Conference on People Smuggling, Trafficking in Persons and related Transnational Crimes held in April 2003.

Emergency preparedness and response (Strategic Goal 2)

- At the end of 2004, UNHCR carried out an exceptional response to the tsunami disaster as part of the United Nations Country Teams in **Sri Lanka** and Aceh Province in **Indonesia**, drawing upon its emergency response capacity and experience to assist in this unprecedented natural disaster.
- UNHCR has been working with the **ASEAN Committee on Disaster Management** to assume responsibility for UNHCR's emergency preparedness and contingency planning initiatives in the region. This partnership has been particularly valuable during the recent response to the tsunami crisis.
- An independent evaluation of UNHCR's Contingency Planning and Emergency Preparedness in Asia and the Pacific concluded that the almost 100 workshops undertaken since 2000 and which have involved over 2,000 participants have "enhanced UNHCR's credibility in the Asia-Pacific region", as well as establishing "an active emergency early-warning and response system of agencies and individuals".
- The Tokyo-based **eCenter** continues to serve as a resource hub to enhance the response capacity of States and organizations to mass displacements. Workshops in Emergency Management including refugee protection, the role of Japanese NGOs in emergencies and lessons learned from UNHCR operations were organized during the year in Thailand, Mongolia and Japan. UNHCR aims to replicate this experience in other regions prone to mass displacement.

Durable solutions (Strategic Goal 5)

- Despite recent initiatives by parts of the international community to move the repatriation agenda forward, the prospects for the voluntary repatriation of Bhutanese refugees in **Nepal** remain unclear. In view of the new political developments in the country and the lack of progress in the bilateral process, continued concerted effort is required on the part of the United Nations and interested States to provide impetus to finding durable solutions for this protracted refugee situation.
- In **Indonesia**, the evacuation status in West Timor was rescinded by the United Nations, enabling UNHCR, as part of the United Nations Country Team to re-establish access to the province. Subsequent to this, UNHCR initiated a five-point plan to ensure the effective local integration of the remaining East Timorese. Following the successful implementation of this strategy, which has confirmed the former refugees' access to Indonesian citizenship as well as providing accommodation assistance, the group has been deemed to be no longer of concern to the Office. UNHCR will thus phase out its assistance by the end of 2005.
- In **India**, over 3,000 refugees were assisted by UNHCR to repatriate to Sri Lanka. In addition, some 400 refugees, mainly from Afghanistan and Myanmar, were resettled.
- In **Bangladesh**, UNHCR continues its consultations with the Government to find solutions for the remaining 20,000 refugees from Myanmar. The Office welcomes the interest of the donor community in a more comprehensive approach to lessen the burden on Bangladesh, while continuing its efforts to facilitate voluntary repatriation through targeted assistance and providing accurate information on conditions in the Northern Rakhine State. The deteriorating security in the camps affirms the need to resolve this protracted situation as a matter of urgency.

- At the request of the authorities in **Thailand**, UNHCR extended its good offices in facilitating the registration, for resettlement purposes, of up to 14,000 Laotian Hmong in Tham Krabok. This exercise, together with ongoing efforts to resettle some 5,000 urban refugees from Myanmar, provides an example of solving mutual problems through using resettlement as a strategic tool.
- In the **Philippines**, UNHCR welcomed the decision taken by the authorities to grant citizenship to an Iranian refugee case. The case was one of six test cases facilitated by UNHCR since 2001 under restrictive Philippine naturalization laws.
- Following an agreement between UNHCR and the Government of **Myanmar**, UNHCR was granted access to potential returnee areas in Kayin State, Mon State and Tanintharyi Division on the Myanmar-Thailand border. A roving field presence has been established and detailed assessment missions conducted to 11 of 14 townships of expected return. These missions have included the establishment of a dialogue with local communities to identify concerns, prioritize needs and gather baseline data. UNHCR is also working with international experts and locally active NGOs to upgrade facilities for basic health, education and rural infrastructure at selected locations to increase the ability of host communities to absorb returnees. However, UNHCR continues to believe that the time is not yet ripe for repatriation and that an internationally acceptable settlement between the Myanmar authorities and armed ethnic groups is a prerequisite to voluntary returns in safety and dignity. Additionally, in Northern Rakhine State in Myanmar, field monitoring and reintegration activities continued for 236,000 returnees from Bangladesh with a particular focus on vulnerable groups.

Refugee women and children (Strategic Goal 6, AfP 6)

- In **Indonesia** and **Timor-Leste**, UNHCR has assisted with the family reunification of over 2,350 formerly separated children. Another 1,100 were locally integrated in line with the “best interests of the child”. UNHCR is now working with local authorities to finalize the remaining 150 cases (less than 5 per cent of the original caseload). Recently, responsibility for following up on the Separated Children’s Programme was handed over to Ministries in **Indonesia** and **Timor-Leste** through a Memorandum of Understanding signed at ministerial level.
- UNHCR has strengthened mechanisms to address and redress issues of Sexual and Gender Based Violence (SGBV) for refugees and asylum-seekers in the region, particularly in **Thailand, Malaysia, Nepal, and Sri Lanka**. The Office has offered its services to help address potential SGBV concerns in temporary camps for IDPs set up in Indonesia and Sri Lanka as a result of the tsunami. Following a comprehensive study on this issue, UNHCR in Sri Lanka has increased its advocacy through raising media visibility and distributing pamphlets in English, Sinhala and Tamil to the areas deeply affected by the displacement of large numbers of the population.
- In line with the objectives of the UNHCR pilot project on age and gender mainstreaming, the offices in **Indonesia** and **India** established and coordinated multisectoral gender equality and child rights mainstreaming teams and undertook steps to build the capacity of UNHCR and partner staff further.
- The Office in **Thailand** is addressing gender and age concerns in camps and is coordinating its initiatives with partner agencies. Activities included seminars on the administration of justice in camps, more active advocacy for increasing the number of women in leadership positions within camp committees and also participation in the United Nations Inter-Agency Programme on Trafficking in the Greater Mekong Sub-region. The latter initiative encourages governments to register the births of all children of refugees and non-citizens lacking proper documentation.