

Update on UNHCR's operations in Asia and the Pacific Executive Committee 2005

Part A: Major developments

- The emerging trend in some countries in the Asia-Pacific region towards more positive attitudes and policies towards refugees and others of UNHCR's concern continued. The implementation of the Memorandum of Understanding (MoU) with regard to the Montagnards from Viet Nam has seen the successful identification of durable solutions for some 750 people, mostly through repatriation or resettlement, and has expanded the space for asylum in Cambodia. UNHCR welcomes the agreement of the Thai authorities to consider resettlement as a possible solution for a significant number of the 140,000 Myanmar refugees in camps. A multilateral resettlement programme is being established, in close consultation with resettlement countries and the Government. Additionally, UNHCR appreciates the announcement by the Government of Malaysia to absorb, in principle, persons of concern from Indonesia and Myanmar into the workforce. Government implementation is awaited. UNHCR returned to the Indonesian Province of Aceh on the basis of a Memorandum of Understanding (MoU) signed with the Government on 10 June.
- Increasing its advocacy role on refugee issues, UNHCR embarked on high-level consultations with governments and other partners in the region to tackle challenges arising from complex migratory flows, the pursuit of durable solutions and the building and strengthening of partnerships. A high-level meeting was organized in Malaysia on "migration and refugee issues". This was the first open forum of its kind on this highly sensitive issue involving major stakeholders in Malaysia as well as key participants from the region. In July, China and UNHCR co-hosted an Asia Pacific Consultations (APC) expert workshop on regional capacity building for durable solutions. The active and open participation of government officials reflected a need for improved information sharing and discussion on (forced) migration issues and confirmed the value to member States of revitalizing the APC process.
- The office in Thailand organized a workshop on how to reach civil society and build an advocacy network. The workshop was a follow-up on the development of common objectives with NGO partners outlining action points to address the consequences of a prolonged encampment situation. The meeting provided an opportunity to build awareness on the joint NGO/UNHCR advocacy approach and discuss its contents with a broader audience. UNHCR remains engaged in the overall process of Bali II and attended the 10th Steering Group Meeting in Bangkok.
- UNHCR has strengthened mechanisms to prevent and respond to sexual and gender-based violence (SGBV) issues for refugees and asylum-seekers. UNHCR's two main objectives in this regard remain the adoption of standard operational procedures for SGBV (as already adopted in Thailand, India, Indonesia and Nepal) and the roll-out of the age, gender and diversity mainstreaming strategy in Thailand, Nepal, Bangladesh, Malaysia and Papua New Guinea (already operational in Indonesia and India).
- Notwithstanding these positive developments, the region also presents some concerns, particularly over the protracted situations in Nepal and Bangladesh. Additionally, deterioration of the security situation in these countries has affected the refugee and displaced populations, hampering the implementation of operations. UNHCR activities in the eastern provinces of Myanmar have progressed at a slower pace than planned due to a number of restrictions limiting access to beneficiaries.
- The Bureau is in the process of examining statelessness and IDP situations, and is identifying initiatives where UNHCR may have a stronger role to play. Surveys are being conducted in South-East Asia and Bangladesh.

Part B: Progress on Global Objectives and Agenda for Protection

- Strengthening the refugee protection framework Strategic Goal 1 – AfP Goal 1
- UNHCR welcomes the interest of the Federated States of Micronesia in accession to the 1951 Convention. In Papua New Guinea (PNG) a series of high-level governmental contacts contributed to a recommendation to the Government to lift five of the seven reservations to the 1951 Convention. In Mongolia, a significant step has been taken by the Government in recommending accession to the National Security Council.
- In order to implement the establishment of an asylum procedure in Thailand through the Provincial Admission Boards (PABs), intensive training activities with local and central authorities have been initiated. UNHCR hopes that the PABs will start functioning soon and that some 18,000 unregistered residents in camps will benefit from this process and have their status regularized. The re-registration of the camp population was completed in 2005.
- UNHCR appreciates recent reforms in immigration detention legislation in Australia, particularly those aimed at softening the current detention arrangements for asylum-seekers and refugees that have already resulted in the release of all children from detention facilities.
- A high-level mission to China focused on the situation of North Koreans in that country. UNHCR is pursuing the possibility of access and raised its concern on continuing reports of deportations.
- In Malaysia, the nationwide crackdown on ‘illegal migrants’, which started on 1 March, resulted in a sharp increase in asylum-seekers and refugees being detained and prosecuted under the Immigration Act. UNHCR worked closely with the Malaysian Government to ensure that persons of concern, documented as such by UNHCR, would not be affected. By 10 August, the number of persons of concern to UNHCR in detention rose to 957, and around 160 individuals were being prosecuted for immigration-related offences. As a result of UNHCR’s activities in close contact with the relevant authorities, over 1,000 persons have been released since March. In the first five months of the year 9,635 asylum-seekers were registered by UNHCR. Some 76 per cent of the total population of concern to UNHCR (42,000) have been granted either temporary protection or individual RSD recognition by the Office. It is intended to resettle over 2,000 persons from Malaysia in 2005.
- The number of asylum-seekers in the region remains relatively stable. In the Republic of Korea, UNHCR is working very closely on the drafting of the amended asylum legislation and other practical measures to improve the fairness and efficiency of RSD processes. Offices in the region held a series of consultations in order to harmonize assistance and protection delivery for refugees and asylum-seekers from Myanmar.

Durable Solutions Strategic Goal 5 – AfP Goals, 1,3 and 5

- The MoU signed in January 2005 has provided a framework for the resolution of the situation of some 750 Montagnards from Viet Nam, mainly through the option of resettlement or repatriation. It also opened up protection delivery in Cambodia by institutionalizing temporary protection and making the asylum process more predictable. Since the signature of the MoU, UNHCR has also had access to 111 new arrivals for a review of their cases. In this time, 137 have returned; 43 returned voluntarily and 94 rejected asylum-seekers were deported. Some 210 were resettled through a multilateral programme. Viet Nam reiterates its commitment not to prosecute or discriminate returnees on the basis of their illegal departure and agreed to international access to returnees. UNHCR has undertaken six missions to Viet Nam’s Central Highlands since May 2005, during which it has met with returnees and did not find any evidence that they had been endangered or threatened upon return.
- UNHCR and the Government of Japan have worked in very close cooperation to find solutions for 27 mandate refugees. As of January, 22 have found a solution. Japan has agreed to provide residence permits to 13 of them.

- Capitalizing on experience gained in its operation in Northern Rakhine State in Myanmar, UNHCR has obtained limited access to border provinces in the South-East that are potential returnee areas for the Myanmar refugees in Thailand. In these areas, UNHCR is working to upgrade facilities for basic health, education and rural infrastructure, albeit at a slower pace than initially anticipated.
- Further to the recent survey of the refugees from Myanmar in India, a comprehensive plan of action has been finalized and includes implementation of durable solutions (local integration or resettlement). Particular emphasis will be put on solutions for women at risk with the establishment of protection clinics.
- In Sri Lanka, while the return of displaced persons to former conflict areas remained sporadic in 2005, a more proactive approach to IDP return and relocation is being pursued. On the basis of a profiling exercise conducted in each district to identify possibilities for return and relocation focusing on the welfare centre population, assistance projects will be implemented to anchor the returnees in their original communities or in the place of relocation if land has been identified.
- The deteriorating security and human rights situation in Nepal, with strong indication of significant population movement, is of great concern to UNHCR. For the Bhutanese refugees who have been affected by the conflict, the prospect for repatriation remains bleak. The 3 August attempt by some 300 refugees from a camp in eastern Nepal to cross the Nepal-India border to return to Bhutan, highlights the increasing frustration of the refugee population. UNHCR is concerned about the continuing stalemate in the pursuit of a comprehensive solution for the refugees.
- In Bangladesh, UNHCR remains seriously concerned by the very poor conditions in the camps and is engaging authorities more fully in the need for registration of the remaining camp population and for the development of assistance programmes for the surrounding communities.
- UNHCR sincerely appreciates the Government of Australia's willingness to accept up to 50 Uzbeks currently on humanitarian evacuation to Romania. This effort towards burden sharing sets a fine example of providing immediate support to persons in serious need.
- Initiatives resulting from the enormous humanitarian needs created by the 26 December tsunami have increased interest in UNHCR's work in the region. On the basis of an MoU signed with the Government of Indonesia on 10 June, UNHCR is supporting the rehabilitation and reconstruction in the Province of Aceh and on Nias Island, North Sumatra. UNHCR's renewed involvement is based on a comprehensive community-based programme, and includes the construction of houses, municipality and community buildings and supporting infrastructure. In Sri Lanka, a total of 58,000 transitional shelters will have been built by the international community, including 4,000 by UNHCR. The Office plays a key role in coordinating and monitoring progress in the shelter sector. Specific emphasis has been placed on programmes that address the imbalance of assistance between conflict and tsunami-displaced populations, and with the hosting communities.