

**REGIONAL STRATEGIC PRESENTATION SUMMARY
TO 35TH STANDING COMMITTEE MEETING (7-9 March 2006)**

Bureau for Asia and the Pacific

Part A. Introduction

In the Asia-Pacific region, forced displacement remains a significant phenomenon. There are some 1.6 million people of concern to UNHCR (asylum-seekers, refugees, internally displaced persons (IDPs), returnees and stateless people) in the region. The region remains host to a number of protracted situations, both in urban and camp-based contexts. The number of refugees in camps totals more than 260,000, and most have been housed in camps for more than 15 years.

During 2005, significant progress was made in the provision of protection and finding of solutions in some countries, while difficult challenges remained in others. On a positive note, the situation of the Montagnards from Viet Nam in Cambodia has experienced a breakthrough. Negotiations between the Indonesian Government and the Free Aceh Movement (GAM) have led to the signing of a Memorandum of Understanding on the Indonesian Province of Aceh in August 2005. The MoU provides a roadmap for a peaceful and comprehensive solution to the conflict which will pave the way for the return of displaced Acehenese. Also, positive changes were witnessed in the asylum policies and standards of treatment of refugees in Thailand and Malaysia, giving hope for further improvements and the identification of durable solutions for some groups.

However, in Nepal, the deteriorating security situation has caused much displacement, and is putting greater pressure on UNHCR and the international community to find urgent solutions for some 100,000 refugees in the country. Developments in Myanmar continue to be an impediment to the return of large numbers of refugees and displaced persons in the region. In Bangladesh, the protection situation of refugees in the camps remained of serious concern. Repatriation continues to be at standstill, and solutions have not yet been found for some 20,000 Muslims from Northern Rakhine State. In China, UNHCR has continued to face difficulties in getting access to persons of concern from the Democratic People's Republic of Korea.

Since the November 2005 elections, the level of violence in the north and east of Sri Lanka has escalated, risking possible return to civil conflict. As of 3 February 2006, some 6,000 persons have been displaced, while another 400 refugees have reportedly sought safety in the camps of Tamil Nadu, India.

As UNHCR's role with regard to protection and assistance of conflict-generated displaced persons has been clarified in the framework of the IASC (Inter-Agency Standing Committee) cluster approach, the groundwork has been laid for inter-agency collaboration in Nepal. UNHCR participated in a first joint agency mission to assess the situation and needs of IDPs in the country.

In Sri Lanka, as of 1 November 2005, over 270,000 conflict-generated IDPs are still living with family and friends, while an additional 68,000 IDPs are accommodated in government-run welfare centres. UNHCR, in collaboration with the World Bank, has facilitated the relocation of over 250 families from the welfare centres. UNHCR has also made direct interventions to upgrade over 650 family shelters within the welfare centres and provided household items.

In November, the Office successfully completed and formally handed over responsibilities for coordinating the tsunami-related transitional shelter sector to the Government of Sri Lanka. UNHCR has supported the Government and over 100 implementing partners in the coordination and construction of over 55,000 transitional shelters for the tsunami-displaced. In the most affected district of Ampara, UNHCR constructed over 4,000 transitional shelters. The Office has led the advocacy effort to promote

equity of standards for tsunami-affected IDPs and conflict-generated IDPs. The European Union was among the first to respond to these calls and has agreed to shift the US\$ 2 million unspent balance to conflict-generated IDPs.

In Indonesia, from January to March 2005, the operation focused on the provision of emergency shelter and relief items to the victims in Aceh Province, airlifting some 400 metric tonnes within five days to assist some 100,000 persons. At the end of March, UNHCR withdrew from the province upon completion of the emergency phase. On the basis of an MoU signed with the Government in June, UNHCR returned and is constructing some one thousand houses in Krueng Sabee and an additional 272 houses in Calang. At the same time, UNHCR continues to provide relief assistance for some 45,000 persons affected by a second devastating earthquake that heavily hit Nias Island, including the provision of some 20,500 m³ of timber for construction. UNHCR is expected to complete its tsunami-related involvement in the Province of Aceh and its assistance programme on Nias Island this year.

Part B. Progress on UNHCR's Strategic Objectives for 2006 and implementation of the Agenda for Protection

Advocate for, and support governments in the creation and maintenance of an international protection regime

Reinforcement of international legal framework (AfP Goal 1, Objective 1)

Only thirteen countries in the region have acceded to the international refugee instruments and few of them have national implementing legislation. During 2005, discussions were held with some countries on plans for accession to the 1951 Convention (Indonesia and the Federated States of Micronesia), as well as on the lifting of reservations made to the 1951 Convention (Timor-Leste and Papua New Guinea). UNHCR has welcomed progress in Papua New Guinea and Fiji in implementing national refugee legislation. Most countries, despite not being party to the main international human rights instruments, maintain the humanitarian tradition of hosting refugees.

Establishment of national protection structures (AfP Goal 1, Objective 2)

With the exception of five countries (Australia, Japan, the Republic of Korea, New Zealand and the Philippines), all countries in the region rely primarily on UNHCR to determine refugee status, assist refugees and identify durable solutions for them. UNHCR continues to advocate for the establishment of national institutions dealing specifically with refugees.

In Thailand, during the last quarter of 2005, progress was made in the implementation of a national asylum structure through the reactivation of the Provincial Admission Boards (PABs). As at the end of 2005, some 15,000 unregistered persons residing in the camps have had their status regularized through the PABs. The PAB process has evolved satisfactorily and UNHCR remains prepared to provide all support possible to the provincial authorities.

In Japan, UNHCR continues to strengthen its cooperation with the authorities and, since February 2005, a tripartite consultation process revolving around finding solutions for mandate refugees and future cooperation on refugee status determination is taking place. The revised Immigration Control and Refugee Recognition Act entered into force in May 2005, introducing new provisions improving the status of asylum-seekers and the appeal process.

In the Republic of Korea, UNHCR continues to strengthen the capacity of a foundation of lawyers providing necessary legal aid to asylum-seekers at the appeal stage of national asylum procedures.

Asylum / migration nexus (AfP Goal 2, Objective 1)

As part of its engagement in the debate on the asylum / migration nexus, UNHCR co-sponsored an Expert Workshop on "Regional Capacity Building for Durable Solutions" of the Asia Pacific Consultations from 4-6 July in Beijing, China. The senior-level workshop enabled identification of opportunities for further collaboration with relevant actors, as well as bringing into a higher regional dialogue topics such as the need for closer links between asylum and migration channels, access for refugees to employment through legal migration channels and improved information sharing.

In Malaysia and Thailand, authorities are providing de facto protection through the issuance of work permits to some populations of concern to UNHCR.

Preservation of asylum space (AfP Goal 2, Objective 1)

In January 2005, the signature of a Memorandum of Understanding between Cambodia, Viet Nam and UNHCR allowed the maintenance of asylum space for Montagnards in Cambodia and established mechanisms for the implementation of solutions. As a result, 274 persons arriving after the signature of the MoU had access to UNHCR to have their asylum claims reviewed. Joint Government of Cambodia / UNHCR missions to the border (Rattanakiri) are regularly organized to receive new arrivals

In China, the Office continues to face the challenge of obtaining broader and direct access to persons from the Democratic People's Republic of Korea who are regarded as a group of concern to UNHCR. The Office remains seriously concerned about those arrested and who are at imminent risk of deportation.

Statelessness (AfP Goal 1, Objective 12)

In 2005, UNHCR focused much effort on mapping the populations in the region who may be at risk of being stateless. A joint report by UNHCR and AALCO (Asian African Legal Consultative Organization) that provides further information on these populations and recommends possible solutions will be presented at the AALCO's annual meeting in India in April 2006. Several countries in the region (Malaysia, Papua New Guinea and Thailand) have strengthened birth registration measures in order to address the issue of potentially stateless children. In Myanmar, the Office is engaged in discussions with the authorities aimed at ensuring a legal status in accordance with international standards for the returnees from Bangladesh, as well as the larger stateless resident population in Northern Rakhine State.

UNHCR has been collecting data on the 250,000 Urdu-speaking Biharis living in various settlements in Bangladesh. A comprehensive profiling will serve as a platform for advocacy and programme development. The Office has established good linkages with the agencies and communities to that end.

Ensure international standards of protection for girls, boys, women and men of concern to UNHCR are met

Physical security, including prevention of and response to sexual and gender-based violence (AfP Goal 4, Objective 4)

Procedures on prevention of and response to gender-based violence which define roles and responsibilities for each individual, group and agency are in the process of being implemented in all major operations in Asia. The streamlining of procedures at the reception stage in refugee status determination operations in India, Malaysia, Thailand and Hong Kong SAR (China) has also ensured that SGBV cases are detected at an early stage and provided with the necessary assistance. It appears that domestic violence continues to be the most common form of SGBV in countries of asylum. In India, a women's protection clinic located in close proximity to the refugee community was set up. The clinic serves as a forum to exchange information between women, to discuss recurrent problems with UNHCR staff and to identify women at risk at an early stage.

In the three protracted camp situations (Thailand, Nepal and Bangladesh), UNHCR initiated projects to build the capacities of women in leadership with a view to enhancing their active participation in camp administration, particularly through a pilot women's leadership training programme in Thailand. As the administration of justice in the three camp-based situations remains problematic, particularly in regard to SGBV, UNHCR is lobbying actively with the authorities to change the camp rules.

Age, Gender and Diversity Mainstreaming (AGDM) (AfP Goal 6)

In late 2005, the AGDM strategy was rolled out to most Asian countries. Participatory assessments were undertaken with refugees by multi-functional teams in India, Indonesia, Thailand, Nepal, Malaysia and Bangladesh. The results have further highlighted the protection problems faced by refugee men, women, boys and girls in protracted situations. Training was provided to UNHCR staff in most countries in the region. Two workshops are scheduled for March and April in Colombo and Beijing. All countries are expected to integrate the findings from the participatory assessments in their annual Country Operations Plans as part of the implementation of the AGDM Strategy.

Access to health

In Bangladesh, the living conditions in the camps remain appalling, falling below accepted minimum international standards. A mortality and nutrition survey commissioned by UNHCR revealed an extremely high prevalence of acute and chronic malnutrition reaching emergency levels; UNHCR is currently lobbying with the Government to initiate remedial measures. In Malaysia, UNHCR succeeded in negotiating improved access to public health care facilities for asylum-seekers and refugees. In January 2006, the Ministry of Health issued official instructions to all State-owned hospitals and clinics to apply reduced charges for those under UNHCR protection.

Social and economic rights, self-reliance (AfP Goal 5 Objective 7)

In 2005, there was a welcome move by the Royal Thai Government to allow an increase in educational opportunities for refugees, including vocational training and the teaching of the Thai language. Access to income-generating activities for refugees is also being explored. Efforts are ongoing on how to turn these policy changes into practice on the ground.

In the face of growing financial constraints, in India the Office has had to sacrifice the investment made over the years in innovative self-reliance and income-generating programmes in order to support refugees' health and education services. This was a setback to UNHCR's efforts to train and prepare refugees for integration or resettlement. Vocational training and language skills development accompanied by job-placement schemes for urban refugees in New Delhi have equally been suspended.

Access to asylum-seekers and refugees in detention (AfP Goal 1, Objective 9)

UNHCR has access to detention centres in most of the countries in the Asia-Pacific region. In Malaysia, UNHCR has been granted easier access to detention centres since March 2005. There is an increased level of awareness and cooperation with UNHCR among prison and immigration staff and the Malaysian police. UNHCR has successfully intervened for the release of persons of concern from detention (1,775 in 2005 compared to 234 in 2004). In the Republic of Korea, UNHCR has, for the first time, been granted authorization to regularly visit detention centres hosting asylum-seekers. Since the beginning of 2005, 24 asylum-seekers in detention were visited, while 10 more were contacted.

In Australia, recent changes in the Migration Act have been seen as a positive step. These changes include the release of children from detention; detention of minors as a measure only of last resort; "detention" of families with children in the community; and new reporting requirements on long-term detention. The Office looks forward to continuing constructive dialogue with the authorities to further improve on meeting UNHCR's guidelines.

Registration and documentation (AfP Goal 1, Objective 11)

Registration was conducted in most of UNHCR's main operations in the region. In Thailand, UNHCR and the Government conducted a "Project Profile"-based re-registration in the camps, completed in November. In Bangladesh, UNHCR's data collection project will be completed by March 2006. Nepal remains the only country with refugees in camps where UNHCR has not yet been able to undertake the regular registration and profiling exercise. This has caused serious concern.

Progress was made during 2005 in a number of countries with regard to issuing documentation for refugees. In Malaysia, documentation issued to refugees and asylum-seekers by UNHCR now exempts holders from prosecution under the Immigration Act. The Government of Papua New Guinea issued and/or renewed Permissive Residency permits to all adults in East-Awin (not only men as it was previously). Moreover all West Papuan refugees living in East-Awin and born in Papua New Guinea were issued birth certificates.

Pursue voluntary repatriation and sustainable reintegration, resettlement or local integration for refugees, with a special focus on those in protracted refugee situations

Completion of programmes

In 2005, UNHCR completed on schedule its operation in West Timor, where former East Timorese refugees, who opted to stay in Indonesia and who had their Indonesian citizenship confirmed, had been assisted with local settlement through housing projects, with related infrastructure and some community development projects. This was the culmination of a comprehensive strategy drawn up by UNHCR in 2003 which encouraged government departments, UN agencies and NGOs to work together in the pursuit of durable solutions. The few residual cases of separated children are being resolved bilaterally between the respective authorities dealing with public welfare and social affairs.

Resettlement (AfP Goal 3, Objective 6; AfP Goal 5, Objective 5)

In 2005, Malaysia benefited from increased resettlement opportunities (2,000) and, as a result, 2,467 persons were submitted for resettlement. A major step was taken towards finding solutions for refugees in Thailand, where the Royal Thai Government signaled its agreement to opening the resettlement channel as a way to promote burden sharing. Some 13,380 persons were submitted for resettlement consideration and 2,510 persons departed. The entire population of Tham Hin Camp was submitted in December to the United States under the group resettlement methodology.

Moreover, durable solutions were found for 598 Montagnards who were resettled from Cambodia and for 82 persons who voluntarily repatriated, while 94 persons whose cases were rejected by UNHCR were returned by the Cambodian authorities in an orderly manner. International access has been granted to Viet Nam's Central Highlands. Out of nine monitoring visits conducted from May 2005 – January 2006, four included international presence (88 persons visited at least once out of total 176 returnees, i.e. 50 per cent of the entire caseload).

Repatriation (AfP Goal 5, Objective 3)

In spite of a number of setbacks, UNHCR continued to carry out micro-projects as planned in eastern Myanmar, although only national staff have been able to access operational areas since July 2005. In all, some 148 small-scale infrastructure projects have completed. UNHCR facilitated the voluntary repatriation of 1,173 Sri Lankan refugees from Tamil Nadu in 2005, bringing the cumulative figure since 2002 to 5,428 persons.

Focus on protracted situations (AfP Goal 5, Objective 1; AfP Goal 5, Objective 5)

In addition to some of the protracted urban refugee caseloads which rely primarily on UNHCR assistance, there are three large-scale protracted refugee camp situations in the region: the refugees from Bhutan in Nepal, the Myanmar Muslims in Bangladesh and the Myanmar refugees in Thailand. Refugees have been in camps for one to two decades, living in sub-standard conditions. In late 2005, the participatory assessments carried out as part of the AGDM Strategy in camps in Nepal, Bangladesh and Thailand highlighted some of the serious protection risks faced by these camp populations, including domestic violence and psychosocial problems resulting from the lack of any prospects of integration outside the camps. These issues are compounded by the denial of access to basic rights such as freedom of movement and access to education and gainful employment.

While 2005 has seen a perceptible change in the protracted situation in Thailand, this is not the case in Bangladesh or Nepal. The situation of the Myanmar refugees in Bangladesh is in a deadlock as none of the traditional durable solutions seems to be available to this residual group of some 20,000 persons. There is a need for a more broad-based strategic review, to include relevant governments and stakeholders.

In Nepal, there has been renewed interest by the international community to revitalize the search for solutions for the refugees in the camps, in particular in view of the deteriorating security situation in the country. It is hoped that Bhutan and Nepal can take concrete steps to implement current understandings that have been reached on voluntary return. In parallel, UNHCR continued, as yet without success, to encourage the Government of Nepal to allow resettlement opportunities as part of a comprehensive approach. Independently, it is urgent that some extremely vulnerable cases are permitted to be resettled for protection reasons. The combined effects of Nepal's protracted situation, UNHCR's inability to sustain previous funding levels for the programmes in seven camps, and the introduction of severe cuts in assistance since late 2005 is having adverse effects on the refugee community and on their relationship with UNHCR.