

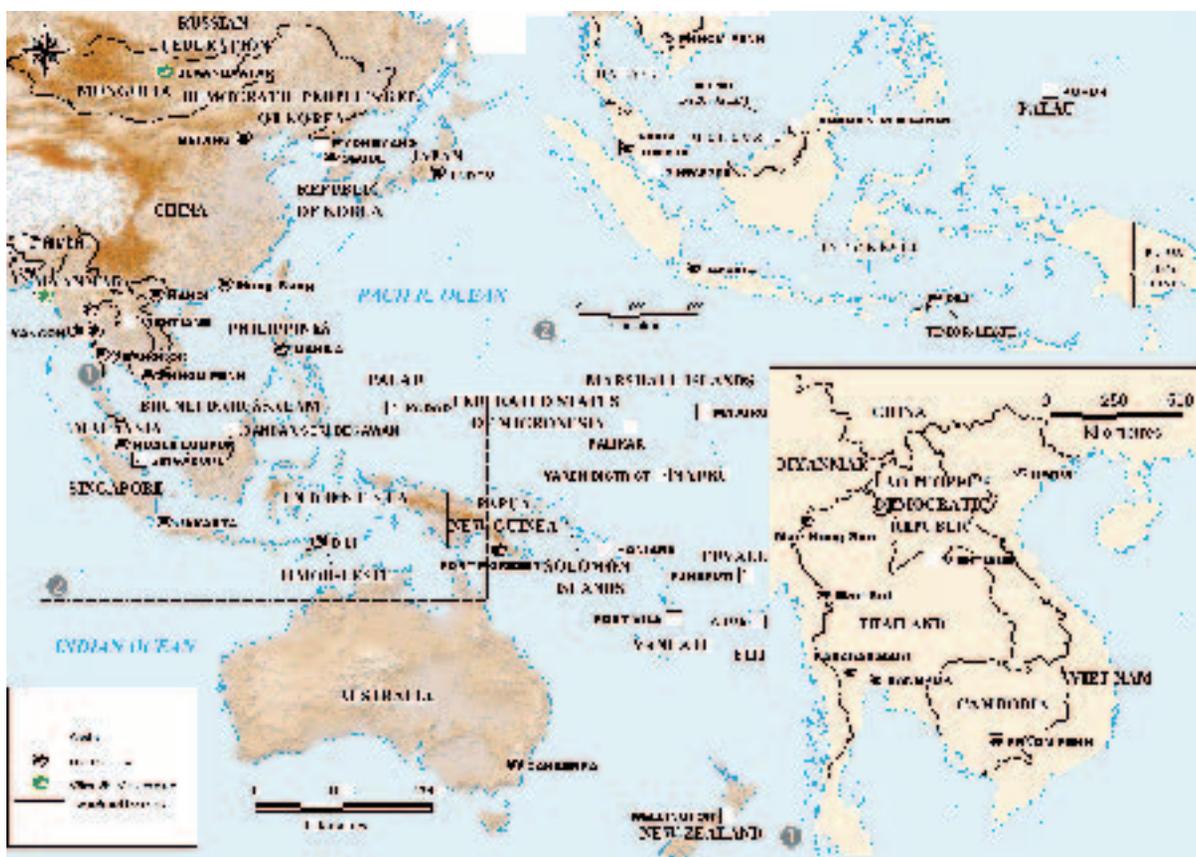
# East Asia and the Pacific

Australia  
Cambodia  
China  
Democratic People's Republic of Korea  
Indonesia  
Japan  
Lao People's Democratic Republic  
Malaysia  
Mongolia  
Myanmar  
New Zealand  
Papua New Guinea  
Philippines  
Republic of Korea  
Singapore  
South Pacific  
Thailand  
Timor-Leste  
Viet Nam

## Major developments

In recent years, UNHCR has engaged in discussions with the Government of Myanmar in an effort to gain access to the main areas of origin of the 140,000 refugees currently living in camps in Thailand. In February 2004, UNHCR was granted permission to operate in Kayin State, Mon State and Tanintharyi Division. Due to decades of conflict, these areas lack basic services such as primary education, primary health care, basic infrastructure, water and sanitation. Difficult topography and large quantities of landmines and unexploded ordnance constitute further limitations to movement and access to land. UNHCR undertook a series of missions to collect a wide spectrum of baseline data, to establish dialogue with the local population and authorities and to initiate community-based micro-projects. There are reportedly up to 600,000 internally displaced persons (IDPs) living in the areas of potential refugee returns, and in July, the Government requested UNHCR's support to return IDPs to these areas. UNHCR's involvement with IDPs in Myanmar was reviewed according to internal UN procedures and was subsequently endorsed by the United Nations Secretary-General in September 2004.

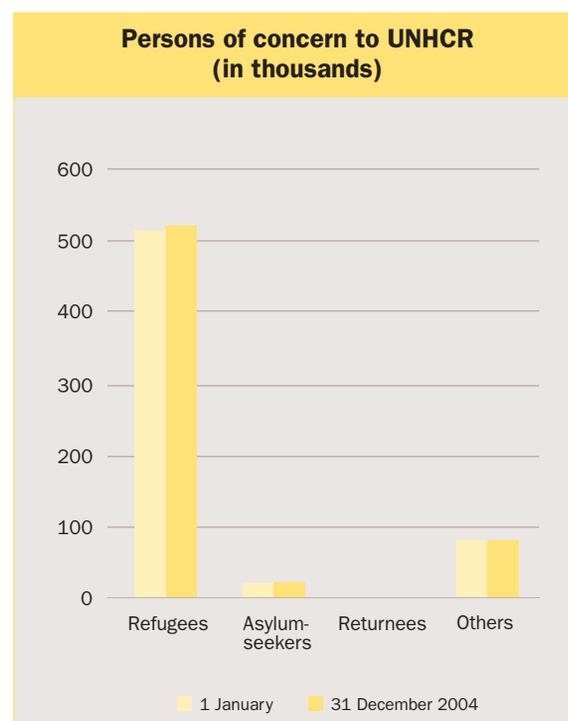
In Malaysia, significant progress was achieved in the protection of persons of concern through greater Government engagement in refugee protection, increased public awareness and heightened visibility



of refugee issues. UNHCR welcomed 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). This move greatly improves the situation of this vulnerable refugee group. In addition, the Malaysian police force announced that 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 (with 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 obtaining the provision of birth certificates for 4,000 previously undocumented refugee children. This critical step ensured that the children (and their parents) could obtain residence permits, and thereby precluded the risk of statelessness. Residency permits were also provided to all eligible refugees in the remote East Awin refugee site (including women, for the first time).

In Mongolia, UNHCR is working closely with the task force established by the Government in 2004 to examine accession to the 1951 Convention relating to the Status of Refugees. The Office hopes that the task force will be instrumental in bringing the country closer to ratifying the 1951 Refugee Convention and eventually implementing national refugee legislation.



In China, a landmark case at the final Court of Appeal in Hong Kong, Special Administrative Region (SAR), highlighted provisions for potential victims of torture, including asylum-seekers, under the Convention against Torture – to which Hong Kong, SAR, is a signatory. The ruling underlined the obligation not to deport a person to a country where the person has grounds to believe that he/she would be subject to torture. The ruling also confirmed the Government's responsibility to protect potential victims of torture, many of whom are asylum-seekers. Following this decision, UNHCR called for an assessment of the applicants' need for international protection. This would involve an examination of the relevant asylum claims, to be followed, where appropriate, by an assessment of torture claims.

In 2004, the Macao, SAR, authorities established a Commission for Refugees and requested further assistance with training. The authorities cover care and maintenance costs for asylum-seekers and refugees living in Macao, SAR.

## Challenges and concerns

The number of North Koreans attempting to seek refuge and asylum in China and South-East Asian countries appears to have increased during 2004. While remaining engaged with the authorities to ease the plight of these individuals, UNHCR is particularly concerned by alleged instances of deportation and the reported consequences.

In the absence of any national legal framework for refugees in China, UNHCR continued to provide material assistance and legal protection to the urban refugees recognized under its mandate. As Vietnamese refugees have achieved a high degree of local integration in China, UNHCR remained engaged in a dialogue with the authorities over plans for its disengagement from the management of the revolving credit scheme. At the same time, the Office elicited the involvement of various other UN agencies with longer-term development expertise.

Hong Kong, SAR, remains a non-signatory to the 1951 Refugee Convention and thus lacks the legal framework that defines and regulates asylum practices for determining refugee status. UNHCR remains solely responsible for determining the legal status of individual asylum-seekers, providing basic

assistance and seeking appropriate durable solutions.

In Japan, the lack of durable solutions for a group of mandate refugees highlighted the need for enhanced cooperation in the context of UNHCR's supervisory function deriving from Article 35 of the 1951 Refugee Convention. The Immigration Control and Refugee Recognition Act was amended in June 2004 by the Diet. The Government of Japan continued to provide basic reception facilities to some asylum-seekers and to enhance local integration assistance for refugees.

In Laos, requests made in earlier years for a resumption of visits to returnee areas remained unanswered. Lack of progress in this area made it difficult to verify claims made by some asylum-seekers that they were part of the returnee population but had now felt compelled to leave once again.

During 2004, UNHCR's relations with Viet Nam and Cambodia remained strained. Throughout the year, sustained efforts were made in Viet Nam, Cambodia, as well as at UNHCR's Headquarters to sensitize and engage interested parties on the multi-faceted nature of asylum in Cambodia and the consequent need for concerted action. Viet Nam considered that all ethnic minorities from Viet Nam's Central Highlands seeking asylum in Cambodia (*Montagnards*) were economic migrants, while in Cambodia, the asylum space came under pressure, not least because the numbers were steadily growing (750 persons). While it should be recognized that Cambodia adopted a more accommodating stance by allowing joint missions to Ratanakiri and transfer to Phnom Penh for expeditious resettlement processing, new difficulties arose towards the end of 2004 as one third of the Montagnard population refused the only protection solution available to them, expressing the wish not to be resettled in another country.

## Progress towards solutions

In Myanmar's Northern Rakhine State, UNHCR's activities played a vital role in facilitating the durable reintegration of the most vulnerable returnees within their host communities. UNHCR enjoyed unhindered access to the population and its presence also created a humanitarian space for other agencies to implement their mandates. UNHCR's field monitoring and protection interventions had a



Myanmar: Clean drinking water is provided by UNHCR for returnees.

tangible and significant impact in reducing or mitigating the problems faced by returnees, especially the more vulnerable among them.

In the Republic of Korea, the recognition by the authorities of 18 persons as Convention Refugees exemplifies the positive progress that has been achieved in 2004 (between 2001 and 2003, 12 persons were recognized). Weak national capacity to

process a steady increase in asylum applications resulted in significant delays in determining refugee status.

UNHCR and the Government of Fiji organized a workshop on how best to reconcile refugee protection with a legitimate state interest in immigration control. This was a follow-up to the second regional Ministerial Conference on People Smuggling, Trafficking in Persons and related Transnational Crimes, held in April 2003.

In Indonesia, the United Nations rescinded the evacuation status previously applied in West Timor, enabling UNHCR staff, as part of the UN Country Team, to re-establish access to the province. Subsequently, 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 involved accommodation assistance and confirmed the former refugees' eligibility for Indonesian citizenship, 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 the Philippines, UNHCR welcomed the decision to grant citizenship to an Iranian refugee. The case was one of six facilitated by UNHCR since 2001 under restrictive Philippine naturalization laws.

In Indonesia and Timor-Leste, UNHCR assisted with the family reunification of over 2,350 formerly separated children. Another 1,100 children were locally integrated in accordance with the best interests of the child. UNHCR is now working with local authorities to finalize the remaining 150 cases (less than five per cent of the original group). 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.

UNHCR 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 and Malaysia. The Office offered its services to help address potential SGBV concerns in temporary camps for IDPs set up in Indonesia and Sri Lanka after the December tsunami.

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.

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 emergency.

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, which have involved over 2,000 participants, have "enhanced UNHCR's credibility in the Asia Pacific region" as well as established "an active emergency early-warning and response system of agencies and individuals".

The Tokyo-based eCentre continues to serve as a resource hub to enhance the response capacity of States and organizations to mass displacements. In Thailand, Mongolia and Japan, workshops were organized during the year on emergency management, including refugee protection, the role of Japanese NGOs in emergencies, and lessons learned from UNHCR operations. UNHCR aims to replicate these in other regions susceptible to massive population displacement.

## Operations

UNHCR's operations in **Thailand** are covered in a separate country chapter.

In **Cambodia**, access to asylum improved in early July 2004 after the local press published several reports, with photographs, about *Montagnard* asylum-seekers barely eking out an existence in the forest with little food, water or medicine. The publicity led to a reaction from politicians, the King and Queen and human rights groups. UNHCR offered its assistance to the Government and joint Government-UNHCR missions agreed that all *Montagnards* screened by UNHCR should be transferred to Phnom Penh and resettled to a third country within one month. At the end of December 2004, some 750 persons had been transferred from Ratanakiri to

Phnom Penh. The Office undertook refugee status determination and assisted the group with food and household support, in accommodation rented by UNHCR, and covered health and education needs.

During 2004, a total of 210 persons opted to repatriate to **Myanmar's** Northern Rakhine State (NRS) (UNHCR's earlier representations had in fact obtained Myanmar Government's approval for the return of 7,000). This brought the total number to almost 236,500 who had returned to Northern Rakhine State from Bangladesh with UNHCR's assistance. Throughout 2004, UNHCR maintained active dialogue with the authorities in Yangon and in NRS on public policy and governance issues affecting the sustainable reintegration of returnees. Discussions focused on the practices of forced labour and compulsory contributions. Incidents reported to UNHCR were assessed and brought to the attention of the authorities, generally with positive results. An estimated 80,000 persons in NRS, including returnees, remained extremely vulnerable. In this context, UNHCR's efforts were directed at creating new opportunities for returnees and vulnerable groups to become more resilient and self-sufficient, through skills training and community-based credit associations. Particular attention was also paid to the promotion of basic Myanmar language skills in order to enhance interaction between the Muslim population and their surrounding communities as well as with local authorities. In order to ensure that critical needs were met, UNHCR facilitated the

involvement of two international health NGOs in the initiation of programmes in the region.

Along the **Myanmar-Thailand** border, UNHCR worked with international experts, locally active NGOs and agencies to upgrade facilities for basic health, education and rural infrastructure at selected locations identified as potential areas for return. A total of 144 micro-projects involving the construction or rehabilitation of small primary schools, rural health care centres, and tube wells, were designed to improve protection and assistance for the most vulnerable villages and to help increase absorption capacities with a view to future repatriation. However, UNHCR still believes that the situation is not yet conducive to the return of refugees and IDPs and that an internationally acceptable settlement between the Myanmar authorities and armed ethnic groups is a prerequisite to voluntary returns in safety and dignity.

## Funding

The welcoming trend of less restrictive contributions continued into 2004. Many of the earmarked contributions were related to additional needs identified during the course of the year, for which the budget was increased from its initial level.

## Restricted voluntary contributions (USD)

Earmarking <sup>1</sup>	Donor	Annual programme budget
<b>Cambodia</b>		
	Philippines	208
	United States of America	118,221
<b>Sub-total</b>		<b>118,429</b>
<b>China</b>		
	Miscellaneous donors / Private donors in China	23,497
<b>Sub-total</b>		<b>23,497</b>
<b>East Asia and the Pacific</b>		
	Japan	4,600,000
	United States of America	5,747,517
<b>Sub-total</b>		<b>10,347,517</b>
<b>Indonesia</b>		
	European Commission	1,548,053
	Spain	3,738
<b>Sub-total</b>		<b>1,551,791</b>
<b>Japan</b>		
	UN Trust Fund for Human Security	152,064
<b>Sub-total</b>		<b>152,064</b>
<b>Myanmar</b>		
	Australia	466,496
	European Commission	2,221,393
	Japan	1,500,000
	United States of America	934,856
<b>Sub-total</b>		<b>5,122,745</b>
<b>Papua New Guinea</b>		
	New Zealand	205,738
<b>Sub-total</b>		<b>205,738</b>
<b>Thailand</b>		
	European Commission	748,435
	Luxembourg	248,756
	Switzerland	396,825
	United States of America	556,073
	USA for UNHCR	500
<b>Sub-total</b>		<b>1,950,590</b>
<b>Total</b>		<b>19,472,370</b>

<sup>1</sup> For more information on earmarking, please refer to the donor profiles.

Budget and expenditure (USD)		
Country	Revised budget	Expenditure
	Annual programme budget	
Australia and New Zealand	936,372	934,098
Cambodia	1,082,427	1,079,367
China	3,824,763	3,732,865
Indonesia	4,468,103	4,468,103
Japan	2,329,355	2,327,626
Malaysia	2,559,561	2,558,841
Mongolia	53,625	53,211
Myanmar	5,157,466	5,096,652
Papua New Guinea	540,135	519,557
Philippines	248,645	248,219
Republic of Korea	406,729	400,339
Singapore	57,000	39,014
Thailand	7,627,942	7,599,893
Timor Leste	1,020,400	1,005,275
Viet Nam	79,104	69,368
Regional projects <sup>1</sup>	135,500	72,459
<b>Total</b>	<b>30,527,127</b>	<b>30,204,887</b>

<sup>1</sup> Includes general protection activities and dissemination of refugee law in Asia, transport and repatriation within Asia and scholarships for refugee students.