A photograph of a woman and a young child in a refugee camp. The woman is in the foreground, wearing a white headscarf and a light-colored t-shirt, looking towards the camera with a serious expression. The child is in the background, wearing a dark shirt and shorts, laughing joyfully. The background shows a makeshift settlement with wooden poles and some structures.

East Asia and the Pacific

Major developments

During 2005, significant progress was made in the provision of protection and finding of solutions in some countries, while difficult challenges remained in others.

There was at last a breakthrough for the *Montagnards* from Viet Nam seeking asylum in Cambodia. A Memorandum of Understanding (MoU) signed in January 2005 by Cambodia, Viet Nam and UNHCR allowed for the preservation of asylum space for *Montagnards* and established mechanisms for the implementation of solutions (see below). As a result, 224 new arrivals were subsequently able to file asylum claims. Joint Government/UNHCR missions to the border province of Rattanakiri were organized to receive and screen new arrivals whenever necessary. In Viet Nam, UNHCR's relationship with the Government was gradually rebuilt and confidence strengthened as international access was granted to the Central Highlands and micro-projects were implemented in returnee areas.

In August 2005, negotiations between the Indonesian Government and the Free Aceh Movement resulted in an MoU aimed at ending the conflict in the region. This may pave the way for the eventual return of displaced people to the province of Nanggroe Aceh Darussalam.

Positive changes were also witnessed in Thailand and Malaysia. Asylum policies and standards regarding the treatment of refugees have improved, bringing the prospect of further improvements and durable solutions for some groups.

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



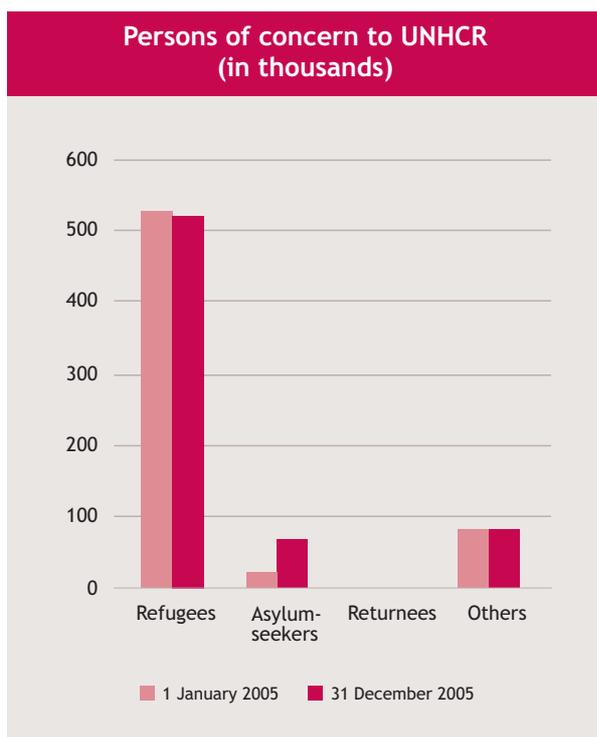
In 2005, the Government of Japan raised the levels of refugee recognition and the granting of humanitarian status. A revised Immigration Control and Refugee Recognition Act entered into force in May 2005, establishing new provisions on the status of asylum-seekers and the appeal process. For instance, asylum applicants will be granted temporary right of asylum pending a decision, and access to information will be improved through the publication of documentation in several languages. New regulations were also introduced to enforce minimum standards relating to the elimination of human trafficking. These regulations provide for protective measures, including temporary residency rights for victims of trafficking. The overall cooperation framework between UNHCR and the Government of Japan benefited significantly from a tripartite consultation process established at the beginning of the year between the Ministry of Justice, the Ministry of Foreign affairs and UNHCR.

In the Republic of Korea, consultations between UNHCR and the Ministry of Justice led to a concerted effort to improve protective measures for asylum-seekers and refugees. Several mechanisms were

put in place to coordinate the Government's and UNHCR's activities. Weekly consultations on refugee status determination (RSD) issues were held with the Seoul Immigration Office. UNHCR's advice is regularly sought prior to taking decisions on controversial cases, and the Office obtained access to the detention centres holding asylum-seekers. Although the long-expected revision of the Republic of Korea's Immigration Control and Refugee Status Determination Act failed to materialize in 2005, UNHCR submitted several recommendations, some of which were included in the latest version of the draft.

Challenges and concerns

The issue of nationals from the Democratic People's Republic of Korea attempting to seek refuge in China and Southeast Asian countries remains of serious concern. UNHCR's access to this group varies from country to country. Wherever access is permitted by the host countries, UNHCR aims to facilitate safe passage to the Republic of Korea or elsewhere, if such an option exists.





Indonesia: An Indonesian woman and her son on the beach at Bozihona, one of the remote coastal villages on Nias Island, which was first hit by the Indian Ocean tsunami and then semi-submerged when the east coast of Nias sank two metres in an earthquake in March 2005. UNHCR helped build replacement houses for those whose homes were destroyed. *UNHCR / J. Perugia*

The flow of asylum-seekers seems to remain stable, but they face growing obstacles on their routes, leaving them vulnerable to human traffickers. UNHCR remains particularly concerned about the reported instances of deportations by Chinese immigration services as well as the precarious situation of asylum-seekers, mainly women and children, along the Chinese border.

Refugee status determination and resettlement remained at the core of UNHCR's protection activities in Hong Kong, Special Administrative Region (SAR) of China. Due to a sharp increase in the number of new applications for asylum since 2004, the RSD capacity of the Office has been increased. At the same time, the SAR authorities have attempted to reduce the number of new arrivals by imposing visa restrictions. UNHCR is looking for alternatives to its own continued undertaking of RSD and resettlement, and intends to progressively hand over responsibility to the authorities of the Hong Kong SAR. In December 2005, 27 Lao Hmong children, from among a group of several thousand Lao Hmong who had arrived in Petchabun Province in Thailand in 2004, were deported to Laos. Despite repeated intervention by the UN Country Teams in Laos and Thailand, access to the children was denied.

Political changes in Yangon at the end of 2004 signalled the beginning of a period of uncertainty and restrictions for the humanitarian agencies in Myanmar. UNHCR

carried out micro-projects in the South-East, as planned. However, only national staff members have been able to access operational areas since July 2005. While UNHCR field teams continued to enjoy unhindered access to the stateless population in Northern Rakhine State, non-governmental operational partners faced increasing difficulties in deploying international staff to the area. Furthermore, constant staff changes in the civilian and military administrations up to September 2005 hindered UNHCR's interventions on serious protection issues affecting the beneficiary population.

UNHCR had to rationalize its assistance to refugees and asylum-seekers in Malaysia, targeting only the most vulnerable, in view of the limited resources available.

Progress towards solutions

In 2005, UNHCR noted a growing awareness of refugee issues in East Asia and increased its cooperation with governments to improve the living conditions of refugees and asylum-seekers and to find durable solutions for them.

UNHCR continued its efforts in Indonesia to promote greater involvement of national authorities in refugee management and to sensitize them to the importance of accession to international refugee instruments. The Indonesian National Plan of Action on Human Rights of 2004, which lists the refugee instruments among the international treaties to which Indonesia aims to accede by 2009, remained valid. A directive regarding asylum-seekers and refugees, formalized in 2002, continued to provide basic protection against *refoulement* and no cases were reported in 2005. UNHCR was able to resettle some 80 people, including several long-outstanding cases.

The MoU signed with Viet Nam and Cambodia institutionalized temporary protection for *Montagnard* refugees and asylum-seekers in Cambodia for the first time, and provided an operational framework for the *Montagnard* population in 2005. As a result, UNHCR facilitated solutions for 680 people (out of the original group of 750). At the end of the year, a total of 168 *Montagnards*, including new arrivals, remained under UNHCR protection.

In Japan, durable solutions were found for 24 refugees out of 27 cases recognized under the 1951 Convention, through resettlement or regularization of their status.

The Government's efforts to develop tools and systems for refugee protection within its borders were reflected in a legal amendment in 2005, which called for the establishment of basic reception conditions and local integration schemes for refugees other than Indo-Chinese nationals. UNHCR will continue to promote the creation of a resettlement programme in Japan.

The Tokyo-based eCentre provided training opportunities in response to emergencies and mass displacement. Workshops were organized in Japan, China, Mongolia and Thailand on emergency response, refugee protection, advanced staff safety and lessons learned in field operations. A pilot workshop on security risk management, geared towards senior humanitarian staff, provided skills development on identifying threats, quantifying risk, ascertaining impact and mitigating risk.

In 2005, Australia made several welcome changes to its national Migration Act, which resulted in the release of asylum-seeker children from detention; the use of detention of minors as a measure of last resort only; permission for families with children to be "detained" in the community; new reporting requirements on long-term detention; and an enhanced role for the Ombudsman. UNHCR contributed to this process through parliamentary liaison activities, and through an increasingly open and constructive dialogue with the Government. The composition of the resettlement quotas in Australia, as well as in New Zealand, also reflected UNHCR's priorities.

In Malaysia, the authorities began issuing residence permits to refugees and asylum-seekers from the Indonesian Province of Aceh and confirmed their intention to do so for the Muslim refugees from Northern Rakhine State in Myanmar. UNHCR's representations led to refugees being granted access to health-care services at public clinics at a reduced rate. UNHCR continued to negotiate on school enrolment for refugee children. Eligibility for free medical services was arranged through cooperation with national NGOs. In 2005, the Office received over 15,000 new asylum applications. With some 14,600 refugee status decisions taken, the total number of refugees and asylum-seekers reached 44,500. As a result of negotiations, an increased resettlement quota allowed opportunities for durable solutions for 2,500 refugees. A variety of training and advocacy activities helped to enlarge the humanitarian space in the country. The recognition of UNHCR-issued documentation helped to prevent arrests and preclude prosecution charges on immigration-related offences. Unimpeded access to immigration detention centres led to the release of some 1,700 refugees.

Continued dialogue with governments in the region produced a clearly expressed interest on behalf of the Federated States of Micronesia to accede to the 1951 Convention in the near future.

The Office in Papua New Guinea helped the national authorities to update contingency plans for potential refugee influxes and supported further strengthening of the Government's capacity to deal with refugee matters. The authorities demonstrated a willingness to withdraw their earlier reservations to the 1951 Convention and confirmed their intention to improve national refugee legislation.

In the Philippines, the quality of services to refugees delivered by various governmental agencies improved. UNHCR continued to work towards the implementation of durable solutions, primarily through naturalization and permanent residency. Six refugees have repatriated from the Philippines, while four others were still waiting to be resettled in other countries at the end of 2005.

UNHCR focused on supporting the Government of Timor-Leste in its efforts to assume responsibility for assessing asylum claims and for protecting refugees. The Government is expected to launch a procedure to withdraw reservations to the 1951 Convention and to accede to the statelessness conventions. Following UNHCR's capacity-building efforts in Timor-Leste, the Government was able to continue the activities involving separated children that it took over at the end of 2004.

Operations

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

In **Australia**, advocacy work, including public information activities, facilitated the development of a better understanding of refugee issues and their positive contribution through World Refugee Day activities, a High School writing competition, and the Australian office's website (www.unhcr.org.au), generating very positive feedback from a variety of stakeholders. Private sector fundraising efforts, through cooperative arrangements with Australia for UNHCR, generated a significant increase in contributions.

In **Cambodia**, UNHCR undertook refugee status determination and assisted over 1,000 Montagnards. Of this group, 848 people were recognized as refugees and 680 found durable solutions (resettlement for 598 and voluntary repatriation to Viet Nam for 82). All were provided with adequate shelter, food, domestic items, informal education, and primary and secondary health care. In addition, the Office extended protection and assistance to 46 urban refugees, including eight who were resettled to a third country.

In **China**, UNHCR supported the Government in establishing a national legal framework for refugees, by

providing legal advice and conducting workshops with concerned authorities. The Office continued to undertake status determination and assist refugees, while identifying durable solutions through resettlement.

In December 2005, UNHCR in **Indonesia** completed its operation in West Timor on schedule. This was the culmination of a comprehensive strategy drawn up by the Office in 2003, which encouraged government departments, UN agencies and NGOs to work together in the pursuit of durable solutions. As a result of UNHCR's activities and the cooperative involvement of all concerned, more than 225,000 people repatriated voluntarily to Timor-Leste. Some 28,000 people who chose to confirm their Indonesian citizenship and remain in West Timor were assisted in various ways to find a durable solution in Indonesia. UNHCR adopted a community-based approach to the programme, which also included the nearby host communities.

The Office continued its support to the Committee on Disaster Management of the Association of Southeast Asian Nations (ASEAN) to enhance regional capacity to respond appropriately to situations of displacement as a result of natural disasters or conflict.

In the framework of the **tsunami** response operation, UNHCR focused on the provision of emergency shelter and relief items to the victims in the Province of Nanggroe Aceh Darussalam, from January to March 2005, airlifting some 400 metric tons of relief items to assist 100,000 people. UNHCR withdrew from the province upon completion of the emergency phase at the end of March. On the basis of an MoU signed with the Government in June, UNHCR returned to set up a construction programme of over one thousand houses in Krueng Sabee and Calang. At the same time, UNHCR provided relief assistance for some 45,000 people affected by a second devastating earthquake that hit Nias Island in March 2005. UNHCR continued its humanitarian efforts, including the provision of some 20,000 cubic metres of timber for house reconstruction. For more information, see chapter on the Indian Ocean earthquake – Tsunami emergency.

In **Mongolia**, UNHCR increased cooperation with the national authorities and provided continuous training for law enforcement agencies, along with capacity building of immigration-related agencies and NGO partners.

During 2005, only 92 refugees opted to repatriate to **Myanmar** from Bangladesh, bringing the total number of returnees to almost 95 per cent of the registered refugee population. Despite constraints, UNHCR was able to uphold and, towards the end of the year, strengthen its dialogue with the Myanmar authorities on public policy and governance issues affecting the sustainable

reintegration of returnees and the protection of the Muslim population in general. As the overwhelming majority of Muslim residents in Northern Rakhine State are stateless, they lack a proper status and are subjected to various discriminatory practices. UNHCR's assistance was directed at creating opportunities for some 80,000 vulnerable Muslim residents, including returnees, involving vocational training and small credit and saving associations, with a view to increasing their morale and resilience. In order to promote their integration and reduce isolation, UNHCR also provided basic Burmese language classes to 5,300 adults and children, among the most vulnerable.

On the Myanmar side of the border with **Thailand**, UNHCR's access to the major areas of origin of some 140,000 Myanmar refugees in camps in Thailand was constrained by a number of difficulties by mid-2005. Strenuous efforts were made to continue to implement community-based projects in the education, health, water and infrastructure sectors, albeit at a slower pace than anticipated. A total of 138 such projects were completed in 2005. This helped improve basic services in communities that will be expected to absorb returning refugees and IDPs in the coming years. In October, monitoring missions from Yangon were resumed. These were undertaken by national staff only (the participation of international staff will be permitted through a Letter of Understanding due to be signed with a new government counterpart in 2006). These field missions were frequent enough to help build up trust between the local communities and UNHCR, paving the way for the resumption of full-fledged monitoring missions.

In **Papua New Guinea**, UNHCR ensured continued protection and the provision of basic assistance. This included self-reliance activities for long-term refugees from the Indonesian province of West Papua (Irian Jaya) and improved standards of health care for refugees in East Awin (over 2,600 people). The Government provided residence permits for an additional 184 refugees, roughly half of them women previously covered by permits granted to heads of household. The issuance of birth certificates for all 1,736 refugee children born in the country provided them with a secure legal status and reduced the risk of statelessness. The basic needs of a small group of urban refugees were also met.

UNHCR provided *ad hoc* assistance to several hundred people who returned from Indonesia to their places of origin in **Timor-Leste**.

In **Viet Nam**, UNHCR was granted international access to the Central Highlands. Of the eight monitoring visits conducted between May and December 2005, four included an international presence. UNHCR also contributed to six micro-projects implemented by local

structures. These projects benefited some 2,300 Cambodian refugees living in four camps around Ho Chi Minh City and local residents in surrounding villages. As there is little chance that the refugees will be able to repatriate, UNHCR resumed discussions with the authorities regarding their naturalization, and there is hope of a positive outcome in the course of 2006. For the first time since 2001, UNHCR conducted training workshops on refugee law for key officials from the Ministry of Foreign Affairs and the Ministry of Public Security.

Funding

A spending ceiling was put in place in view of the forecasted funding gap. This led to a reduction of assistance to refugees and asylum-seekers, notably in Malaysia, whereby only the most vulnerable people were assisted.

Restricted voluntary contributions (USD)			
Earmarking ¹	Donor	Annual programme budget	Supplementary programme budget
East Asia and the Pacific			
	Canada	165,289	0
	Japan	2,600,000	0
	United States	6,370,675	0
Sub-total		9,135,964	0
Cambodia			
	Philippines	481	0
	Sweden	756,430	0
Sub-total		756,911	0
Indonesia			
	<i>Amitié sans Frontières</i>	0	40,706
	Australia for UNHCR	0	505,318
	Canada	0	606,557
	<i>Chaîne du Bonheur</i>	0	1,271,186
	European Commission	2,268,601	0
	Germany	0	4,575,163
	Greece	0	3,823,174
	Japan	0	13,000,000
	SaRang Community Church	0	200,000
	Saudi Arabia	0	500,000
	<i>Stichting Vluchteling</i>	0	3,450,148
	Unigestion	0	85,381
	United Kingdom	0	766,284
	USA for UNHCR	0	603,333
Sub-total		2,268,601	29,427,251
Malaysia			
	European Commission	187,000	0
	United Kingdom	71,839	0
	United States	120,800	0
Sub-total		379,639	0
Mongolia			
	United States	63,941	0
Sub-total		63,941	0

Earmarking ¹	Donor	Annual programme budget	Supplementary programme budget
Myanmar			
	Australia	468,750	0
	European Commission	1,263,638	0
	Japan	1,300,000	0
	Japan Association for UNHCR	21,862	0
	United States	672,000	0
Sub-total		3,726,250	0
Thailand			
	European Commission	816,475	0
	Japan	500,000	0
	Luxembourg	300,481	0
	Switzerland	416,667	0
	United Kingdom	137,310	0
	United States	366,457	0
Sub-total		2,537,390	0
Viet Nam			
	United Kingdom	23,750	0
	United States	40,000	0
Sub-total		63,750	0
Total		18,932,446	29,427,251

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

Budget and expenditure (USD)						
Country	Final budget			Expenditure		
	Annual programme budget	Supplementary programme budget ¹	Total	Annual programme budget	Supplementary programme budget ¹	Total
Australia and New Zealand	1,144,405	0	1,144,405	1,005,881	0	1,005,881
Cambodia	1,720,741	0	1,720,741	1,514,377	0	1,514,377
China	4,091,008	0	4,091,008	3,798,000	0	3,798,000
Indonesia	5,984,715	56,133,388	62,118,103	4,858,395	19,213,824	24,072,219
Japan	3,064,348	0	3,064,348	2,442,094	0	2,442,094
Malaysia	2,867,071	0	2,867,071	2,710,490	0	2,710,490
Mongolia	203,611	0	203,611	194,685	0	194,685
Myanmar	4,618,597	0	4,618,597	4,340,963	0	4,340,963
Papua New Guinea	458,837	0	458,837	456,102	0	456,102
Philippines	197,820	0	197,820	189,476	0	189,476
Republic of Korea	547,928	0	547,928	514,589	0	514,589
Singapore	53,655	0	53,655	52,599	0	52,599
Thailand	9,639,050	0	9,639,050	8,852,006	0	8,852,006
Timor Leste	594,553	0	594,553	522,821	0	522,821
Viet Nam	533,845	0	533,845	489,531	0	489,531
Regional projects ²	132,620	250,000	382,620	103,519	0	103,519
Total	35,852,804	56,383,388	92,236,192	32,045,528	19,213,824	51,259,352

¹ The supplementary programme figures apply to the Supplementary Programme for the Indian Ocean Earthquake - Tsunami Emergency.

² Includes protection activities and dissemination of refugee law in Asia, transport and repatriation within Asia, scholarships for refugee students and assistance for the Indian Ocean Earthquake.

Note: The supplementary programme budget does not include a 7 per cent support cost that is recovered from contributions to meet indirect costs for UNHCR.