

**Executive Committee of the
High Commissioner's Programme**
Sixty-fourth session
Geneva, 30 September - 4 October 2013

24 September 2013
English
Original: English and French

Update on UNHCR's operations in Asia and the Pacific

A. Situational analysis including new developments

The Asia-Pacific region hosts some of the world's largest refugee populations living in some of the most protracted situations. The region has seen an increased number of mixed migratory movements on all maritime routes, continuing a steady upward trend. The overwhelming majority of persons of concern to UNHCR in Asia reside in urban areas.

Twenty countries in the Asia-Pacific region have acceded to the 1951 Refugee Convention. Despite the lack of legal frameworks governing refugee protection in many contexts, Asia has generously hosted millions of refugees and other displaced persons over the years. UNHCR, in close collaboration with concerned States, has made progress in addressing protracted refugee situations and mixed migration flows. There is an increasing willingness on the part of States to comprehensively address long-standing refugee situations, working towards the preservation and expansion of asylum space while seeking long-term solutions. Moreover, there is greater recognition among States that cooperative and regional approaches are required to address irregular movements in a manner that meets the protection needs of asylum-seekers and refugees.

B. Progress and challenges in achieving strategic priorities

Safeguarding protection and asylum space

The significant increase in the number of complex mixed migratory movements in the region remains a matter of grave concern. The majority of the irregular maritime movements originate from the Bay of Bengal, and there have been numerous reports of boat incidents in India, Indonesia, Malaysia, Sri Lanka and Thailand. Australia has seen a great increase in maritime arrivals since 2012, and has undertaken measures to address this issue.

A number of regional initiatives have been launched by countries in the Asia-Pacific region and UNHCR to address irregular movements. Under the auspices of the Bali Process Regional Support Office in Bangkok, the Indonesian Government and UNHCR organized a regional roundtable on irregular maritime movements in March 2013 in Jakarta. This was the first time that Bali Process members assembled specifically to discuss maritime movements. The roundtable agreed on a process of engagement at both the national and regional levels for promoting protection-sensitive approaches to the management and response to maritime movements. This process was expanded upon at the 5th Bali Process Ministerial Meeting in April 2013.

A new initiative, the Special Conference on Irregular Movement of Persons, was organized by the Government of Indonesia in August 2013 and was attended by thirteen countries, as well as UNHCR and the International Organization of Migration. The Jakarta Declaration, which was endorsed by all participating

countries, proposed practical ways to strengthen regional co-operation in managing irregular maritime movement.

Progress was also made on the Almaty Process in Central Asia. In June 2013, the Government of Kazakhstan hosted the Ministerial Conference on Refugee Protection and International Migration. The Conference saw nine governments from Central Asia and neighboring countries agree on the operating modalities to consolidate the regional consultative process on mixed migration, with a view to pursuing the development of a broader regional cooperation framework. Key objectives of the Almaty Process for the next two years include regional capacity-building in the areas of refugee protection and international migration; developing differentiated processes for individuals on the move; border management; and data collection.

The Republic of Korea enacted a comprehensive refugee law in July 2012, and the Presidential Decree for its implementation was adopted in July 2013. A dedicated Refugee Division was created by the Ministry of Justice within the Korea Immigration Service, and refugee status determination capacity has been strengthened. A reception facility in Incheon for newly arriving asylum-seekers has been completed.

On 25 March 2013, the Court of Final Appeal, the highest judicial body in Hong Kong SAR, found that the Director of Immigration has a duty to conduct an independent enquiry for refugee claims before legally exercising discretionary powers of removal. UNHCR has offered its continued support including through capacity-building.

Finding solutions for protracted refugee situations

Pakistan's Cabinet approved a new national policy on Afghan refugees, including the extension of the proof of registration cards (PoR) and the Tripartite Agreement until 31 December 2015. UNHCR is greatly encouraged by Pakistan's new policy, which includes facilitation of legal economic activity of refugees by attaching certain rights to the PoR cards, such as the right to open a bank account and officially register a business.

The refugee-affected and hosting areas (RAHA) programme continues to be essential in preserving asylum space and enhancing co-existence under the Government of Pakistan's new refugee policy. The RAHA programme is also a key component of the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries (Solutions Strategy for Afghan Refugees).

The Comprehensive Regularization Plan for undocumented Afghans in the Islamic Republic of Iran provides the opportunity for legal residence in the country on the basis of renewable temporary residence permits issued in Afghan passports. Family passports are available at the Afghan Consulate/Embassy at Mashhad and Tehran, while individual passports can be acquired in Afghanistan. So far, some 135,000 family passports are reported to have been issued in the Islamic Republic of Iran and stamped with the renewable temporary residence permits. Holders of the permits are also given the right to open a bank account, apply for a driver's license and obtain work permits.

The third meeting of the Quadripartite Steering Committee for the Solutions Strategy for Afghan Refugees took place on 19 September in Islamabad. National Steering Committees have been established in Iran and Pakistan. In Afghanistan, a letter of intent has been signed between UNHCR, UNDP and ILO to work together on the implementation of the Solutions Strategy for Afghan Refugees. UNHCR will continue to play a more catalytic role while providing shelter and initial assistance to vulnerable returnees.

In Nepal, a major milestone in the resettlement of refugees from Bhutan was reached in April 2013: more than 100,000 people have now been referred for resettlement from Nepal to third countries since the programme began in 2007. At the end of July, over 81,000 persons have been able to restart their new lives in eight different countries of resettlement.

In May 2013, UNHCR in Thailand has engaged a local organization to pilot a refugee survey in camps along the Thai-Myanmar border. This will be the most comprehensive survey since refugees arrived in Thailand over twenty years ago.

Ensuring protection and durable solutions for IDPs

In Myanmar, some 140,000 persons have been internally displaced since inter-communal violence broke out in Rakhine State in 2012. As part of the inter-agency response, UNHCR leads in the areas of protection; shelter, camp coordination and camp management (CCCM); and non-food items. As of June 2013, 71,000 people were living in temporary shelters, 62,000 people were waiting for their temporary shelters to be completed, and 7,000 people remained in a situation where no temporary shelter solution had yet been identified. The shelter cluster is working to address this issue. UNHCR hopes that the current negotiations in Kachin State will lead to a ceasefire agreement, granting improved access to persons of concern in the area. In south-east Myanmar, a memorandum of understanding was signed by UNHCR and the Government in June 2013, setting out a framework for the Office's engagement over the next three years and allowing UNHCR to broaden the scope of its protection work with returnees and internally displaced persons (IDPs).

In the context of the complex humanitarian situation in Pakistan's Federally Administered Tribal Areas and Khyber Paktunkhwa province, UNHCR continued its leadership role of the protection, shelter and CCCM clusters. During the first half of 2013, a new wave of displacement caused by counter-insurgency operations brought the total number of registered IDPs to approximately 850,000. At the request of the Government of Pakistan, UNHCR and its partners continued to support registration and provide basic relief items to the displaced. To foster sustainable returns, UNHCR continues to implement shelter activities for vulnerable IDP families in accessible return areas.

In Sri Lanka, nearly five years after the end of the conflict, the majority of IDPs have returned to their places of origin. UNHCR is supporting the reintegration process and advocating for durable solutions for the undetermined number of individuals who remain in protracted displacement.

As part of the inter-agency efforts to respond to the aftermath of typhoon Pablo in the Philippines, UNHCR distributed over 7,400 solar lanterns to IDPs in vulnerable communities. UNHCR continues to assist IDPs in Mindanao, with an increased focus on knowledge transfer and capacity development of State and government agencies, while continuing protection monitoring and assisting civil registration and documentation.

Reducing and preventing statelessness and protecting stateless persons

Six countries in Asia-Pacific have ratified the 1954 Convention relating to the Status of Stateless Persons and four have ratified the 1961 Convention on the Reduction of Statelessness. Of the number of stateless persons estimated by UNHCR, over 40 per cent are in Asia. Stateless persons in the region predominantly live in situations that are protracted, large-scale and, within the country in which they were born.

A number of States in the region have made efforts to address statelessness. UNHCR and the Government of the Philippines jointly undertook a study to map a population of persons of Indonesian origin who have lived in Mindanao for many years and, under the provision of the 1958 Citizenship Law that was amended in

2006, may have lost their Indonesian nationality after living abroad for more than five years. In Thailand, issuance of identity documents is part of the Government's national strategy to reduce statelessness as it guarantees access to social and economic rights for stateless persons. In Brunei Darussalam, stateless persons are registered as residents and entitled to international travel documents. In Central Asia, Kyrgyzstan has seen a reduction in statelessness, and UNHCR is providing technical advice to the Government of Tajikistan regarding the reform of its citizenship law.

UNHCR has strengthened its collaboration with the Association of Southeast Asian Nations (ASEAN) to address statelessness in South-East Asia. In August 2013, the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children, UNHCR, UN Women, and Viet Nam's Ministry of Labour, Invalids and Social Affairs collaborated on a workshop for delegates from ASEAN countries, held in Danang, Viet Nam. The objective was to strengthen cooperation on protecting women and children and ensure their right to nationality in ASEAN countries. The workshop also was in support of implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child by ASEAN countries.

As part of the working group for a Ministerial Meeting on the Improvement of Civil Registration and Vital Statistics in the Asia-Pacific that will take place in 2014, UNHCR has developed a partnership with UNESCAP, UNICEF and PLAN International, focusing on improving levels of birth registration, which can serve as an effective tool to prevent statelessness.

C. Financial information

The 2013 budget of \$526.4 million for Asia and the Pacific, based on the global needs assessment and approved by the Executive Committee at its 63rd Session in October 2012, has been increased to \$575.6 million during the first half of 2013. This increase was largely due to the establishment of a supplementary budget for the Myanmar situation, in order to respond to the humanitarian needs arising from population displacement in Rakhine and Kachin States. In light of recent political developments, the supplementary budget also included provision to increase preparation on both sides of the Thai-Myanmar border of the potential voluntary repatriation of refugees to the south-east of Myanmar.

The budget for the Afghanistan situation, which includes the requirements for the Islamic Republics of Afghanistan, Iran and Pakistan, represents some 61 per cent of the total budget for the Asia-Pacific region, while the remaining 39 per cent is shared by 19 medium to small-sized operations. A funding shortfall for the Afghanistan situation would gravely weaken the momentum for solutions gained by the launch of the multi-year Solutions Strategy for Afghan Refugees, and a shortage of funding in other sub-regions would have a critical impact on the ability of UNHCR and its partners to deliver key protection activities.