

# EAST ASIA AND THE PACIFIC

**Australia, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Democratic Republic of East Timor, Fiji, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Nauru, New Zealand, Papua New Guinea, The Philippines, Republic of Korea, Singapore, Solomon Islands, Thailand, Viet Nam**

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## RECENT DEVELOPMENTS

In Australia, the introduction of legislation relating to the status of asylum-seekers and the transfer of intercepted asylum-seekers to Nauru and Manus, the "Pacific Solution" framework, appears to have led to a decline in the number of people attempting to enter Australia. Interdiction by Australia has included the use of offshore processing centres in Nauru and Manus Island, Papua New Guinea. UNHCR advocates that all burden sharing agreements include access to full and fair procedures, limits to restrictions on freedom of movement, and timely durable solutions for recognised refugees.

In Cambodia, initial hopes of facilitating the voluntary repatriation of some 1,000 Vietnamese Montagnards were dashed when an agreement could not be reached with the Vietnamese authorities on continued access by UNHCR to the areas of return following the first voluntary return of 15 refugees. The tri-partite agreement between Cambodia, Viet Nam and UNHCR concluded in January 2002 was eventually suspended by UNHCR in April, following a number of security incidents in Mondulhiri and Ratanakiri provinces in Cambodia. After the breakdown of the tri-partite agreement, the United States agreed to resettle all 905 Montagnards remaining in Cambodia. While a solution was found for this group, it came at the expense of asylum for subsequent Montagnards asylum-seekers, as the Cambodian Government closed its border to new arrivals from Viet Nam's Central Highlands. By the end of June, 558 refugees had been processed and had left for the United States leaving 353 (including six

new-born babies) awaiting a solution. The refugee protection regime in Cambodia has also been called into question by recent forced returns of refugees and other persons of concern to their countries of origin.

In China, over 60 North Koreans entered diplomatic missions in order to seek asylum between mid-March and the end of June. The entry of 25 North Korean asylum-seekers into the Spanish Embassy on 14 March 2002, was followed by a series of similar entries into the German, US, Canadian and South Korean embassies in Beijing as well as the US and Japanese Consulates in Shenyang. Although all asylum-seekers were eventually permitted to leave China and were subsequently resettled in a third country, UNHCR remains concerned about the situation of North Koreans in China who may be in need of international protection, and has renewed its request to the Government for access to the border area.

In East Timor, some 20,000 East Timorese returned in the first six months of 2002. This brought the total number of returnees to East Timor since October 1999 to almost 213,000. During the High Commissioner's visit to East Timor for the independence day celebration on 20 May, he announced that, subject to conditions remaining favourable for return, the cessation clause relating to East Timorese refugees would apply as of 1 January 2003.

A global funding shortfall in 2002 also led to a reduction in budget for the region by over one million US dollars. This is likely to have an impact on the quality of UNHCR's operations to provide adequate protection and assistance in the region.

## PROGRESS TOWARD OBJECTIVES, AND CONSTRAINTS ENCOUNTERED

The increased focus of governments on security concerns at the expense of international humanitarian principles since 11 September has had a negative impact on the ability of the Office to achieve its strategic objectives in the region. Despite the increasingly difficult environment, the initial objectives remain:

- ensuring that the fundamental protection principles of *non-refoulement* and asylum are respected, that the quality of asylum is improved and that States adopt a more consistent approach to refugee issues;
- encouraging governments not only to accede to international conventions on refugees and statelessness but also to act on the basic principles enshrined in these instruments;
- the achievement of durable solutions for recognised refugees, including the provision of sustainable reintegration in returnee areas;
- strengthening of emergency preparedness and response capacities in the region;
- facilitating regional and sub-regional dialogue on refugees and migration issues among governments.

The organisation continued to be confronted by a number of challenges in the region. UNHCR remains concerned about a lack of access to areas of return in the Central Highlands of Viet Nam, a lack of access to the Chinese/North Korean border, reports of *refoulement* from Cambodia, and the promulgation and implementation of restrictive legislation aimed at asylum-seekers by States throughout the region.

In East Timor expectations that the world's newest country would accede to the international instruments on refugees and statelessness at the time of its independence did not materialise. East Timor stated that, while it still intended to accede to the above mentioned conventions and protocols, it wished to carefully review the potential resource obligations. In the Philippines, which is signatory to the 1951 Convention,

the Government took steps to regularise the status of stateless persons and long-term refugees. The Government also announced that recognised refugees would be granted work permits.

In **Nauru**, UNHCR's intervention has had to be extended due to the dramatic changes in Afghanistan and the necessity to review cases based on the current situation and conditions in Afghanistan.

The e-Centre, which was established in 2000 in Japan, held four emergency training and contingency planning workshops in Japan, Thailand, Malaysia and the Philippines in the reporting period. A number of emergency management workshops were also held in Indonesia and East Timor.

In August, the newly appointed Co-ordinator of the Asia-Pacific Consultations (APC) on Refugees, Displaced Persons and Migrants convened a sub-regional meeting of Mekong countries in Beijing. Discussions are underway to convene a similar meeting involving countries in South Asia.

### ACTIVITIES UNTIL 30 JUNE 2002

For a description of UNHCR's Operations in Indonesia please refer to the country chapter.

UNHCR continued to raise its concerns to the Government of **Australia** over amendments to the migration legislation dealing with mandatory detention, the no family reunion aspects of the Temporary Protection Visa and the ramifications of the "Pacific Solution". UNHCR has worked closely with national and international organisations on the issue involving refugee children in detention. Due to a prioritisation exercise based on the reduced budget and the redeployment of staff to Nauru, a number of public awareness activities originally planned for the first half of 2002 were either delayed or cancelled.

UNHCR maintained a team on the island of **Nauru** to assist in the refugee status determination and resettlement processing of the

530 asylum-seekers who had been transported by the Australian Navy to this Pacific island in September 2001. Although the Nauru Operation had been scheduled to phase out by the end of March 2002, political changes in Afghanistan resulted in the need to re-interview some 285 cases. It is now anticipated that the Operation will be completed by the end of October 2002.

In **Papua New Guinea**, despite delays in the re-establishment of an office, UNHCR has obtained agreement from the Government to undertake individual status determination for the 313 remaining “persons of concern” located near the border with Indonesia. The exercise is scheduled to take place during the second half of the year.

In **Cambodia**, following the breakdown of the tri-partite agreement with Viet Nam and UNHCR, a bi-lateral agreement was reached between the US and Cambodia for the early resettlement of the 905 people remaining in the two sites in northeast Cambodia. The entire refugee group was subsequently moved to Phnom Penh for resettlement processing. Thereafter, UNHCR received credible reports of numerous instances of refoulement of new arrivals attempting to reach Cambodia.

In **China**, UNHCR continued to promote naturalisation for the majority of the 295,000 Vietnamese refugees who want to permanently reintegrate in the country. Following the conclusion of the Revolving Fund-Based Credit Scheme Management Framework Agreement signed between UNHCR and the authorities concerned at the end of 2001, the Ministry of Civil Affairs and UNHCR undertook two joint missions to Guangdong and Yunnan provinces to assess new project proposals submitted by state farms. In Hong Kong SAR, the number pending applications by new asylum-seekers decreased considerably during the first half of the year as a result of the strengthened refugee status determination capacity, but also due to stricter immigration policies

imposed by authorities after the September 11 tragedy.

Some 20,000 East Timorese refugees have returned to **East Timor** in the first six months of 2002, bringing the total number of returnees to almost 213,000 since October 1999. UNHCR proceeded phasing down the scale of its operations in East Timor, closing down three field offices (Baucau, Maliana and Oecussi) and reducing staffing levels by some two thirds. Despite the phase-down, UNHCR continued to work with local communities and other UN agencies to ensure the smooth reconciliation process of returnees as an increasing number of them had previous links with militia groups. In the first six months of 2002, in co-operation with IRC, 683 children were reunited with their parents. UNHCR has also been actively engaged in supporting the Commission for the Reception Truth and Reconciliation. Through national NGOs Fokupers and Etwave, UNHCR also provided psycho-social assistance to women and girls who had been subject to physical and mental torture during the crisis.

In **Japan**, the Tokyo based Regional Emergency Centre *or e-Centre* witnessed an upsurge in demand for its training materials and workshops. Some 660 participants from Governments, NGOs and UN agencies, from 20 countries have benefited from the training. Another 200 persons per day had access to the e-Centre’s web site to download technical information or otherwise make use of its services. Both in Japan and the **Republic of Korea**, where UNHCR established a presence in late 2001, UNHCR continued to support the improvement of asylum standards and raise public awareness on refugee issues, UNHCR's roles and its funding needs.

In **Malaysia, the Philippines and Singapore**, UNHCR has continued to provide legal protection and material assistance to refugees and asylum-seekers. In Malaysia, the increased restrictions on illegal immigrants, including asylum-seekers and refugees led to heightened tension

among the asylum-seeker population who broke into the UNHCR compound on four occasions. In the Philippines an agreement was reached for refugees to receive work permits. There was progress in seeking permanent residency for Vietnamese refugees and naturalisation of refugees married to Filipino nationals.

In an effort to pursue accession to the 1951 Convention, UNHCR, in collaboration with the Legal and Consular Department of the Ministry for Foreign Affairs of **Mongolia**, sponsored a High-Level Round Table on the 1951 Convention for Senior Government Officials and Parliamentarians in Ulaan Bataar in June.

Efforts to find a durable solution for the some 110,000 Myanmarese located on the Thai/Myanmar border through voluntary return to Myanmar were thwarted following a number of border incidents and the resultant deterioration in bi-lateral relations between the Governments of **Thailand** and Myanmar. At the same time, the rate of new arrivals in the camps averaged 229 persons per month in the first half of the year, against an average of 737 persons per month during the first half of 2001. This reflected the Thai authorities' desire to maintain a stable camp population. The number of individual asylum-seekers of various nationalities approaching UNHCR increased to nearly 100 per month (from less than 60 per month in 2001).

## **OUTLOOK FOR JULY-DECEMBER 2002**

While the regional objectives remain unchanged, UNHCR plans to introduce a strategy to address secondary movements in the Asia-Pacific region. As part of the follow-up to the February 2002 Bali Regional Conference on People Smuggling, Trafficking Persons and Related Transnational Crime, UNHCR is developing a concept paper on *A Comprehensive Approach to Secondary Movement in the Asia-Pacific Region*. The paper will seek to promote a comprehensive burden sharing approach to the management of secondary movement. The approach would be aimed at giving due recognition of the concerns of States while assisting them to meet international obligations on the protection of asylum-seekers and refugees.

It is anticipated that UNHCR's operation in Nauru, originally due to terminate in March, will now be completed by end of October.

In Malaysia, UNHCR will closely monitor enforcement of the Government's tough new laws that are designed to reduce the number of illegal migrants in the country in order to ensure that no asylum-seekers are refouled. In Cambodia, UNHCR will continue to provide protection and material assistance to the remaining 353 Montagnards until resettlement processing has been completed or they opt for voluntary repatriation. In view of the precarious asylum situation, UNHCR will renew discussions with the Government on their international obligations as a Contracting State to the United Nations 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the need to ensure respect of the principle of non-refoulement and the protection of refugees on its territory.

### Financial Data (USD)

Country/Activity	Annual Programme Budget				Supplementary Programme Budget			
	Initial Budget	Revised Budget	Total Funds Available	Obligation Level	Initial Budget	Revised Budget	Total Funds Available	Obligation Level
Australia and New Zealand	962,172	1,375,172	676,555	676,555	0	0	0	0
Cambodia	339,607	1,484,419	737,201	737,201	0	0	0	0
China	2,540,135	3,217,257	1,578,764	1,575,525	0	0	0	0
East Timor	1,077,189	4,600,969	2,344,526	2,322,109	0	1,917,000	2,848,449	1,000,000
Indonesia	3,638,213	5,701,353	4,398,835	3,050,324	0	5,000,555	3,489,866	1,250,000
Japan	3,112,777	3,015,333	2,747,595	1,538,775	0	0	0	0
Republic of Korea	121,027	158,665	58,100	58,100	0	0	0	0
Lao People's Dem. Rep.	237,022	0	0	0	0	0	0	0
Malaysia	637,596	640,796	305,700	305,700	0	0	0	0
Mongolia	260,228	257,998	105,450	105,450	0	0	0	0
Papua New Guinea	278,433	278,433	123,850	123,850	0	0	0	0
Philippines	415,766	394,862	161,100	161,100	0	0	0	0
Singapore	57,800	57,800	30,000	30,000	0	0	0	0
Thailand	4,348,006	4,355,506	2,145,064	2,126,075	0	0	0	0
Viet Nam	20,000	208,083	95,300	95,300	0	0	0	0
Regional Activities <sup>1</sup>	203,200	203,200	102,006	100,510	0	0	0	0
Unrestricted Contributions	0	0	3,150,943	0	0	0	0	0
<b>TOTAL</b>	<b>18,249,171</b>	<b>25,949,846</b>	<b>18,760,989</b>	<b>13,006,574</b>	<b>0</b>	<b>6,917,555</b>	<b>6,338,315</b>	<b>2,250,000</b>

<sup>1</sup> Includes general protection activities and dissemination of refugee law, assistance to refugees in the South Pacific, transport and repatriation activities of Indochinese and scholarships for refugee students in East Asia and the Pacific.