

**Bullet point summary of the strategic presentation on
UNHCR's operations in Asia and the Pacific**

**29th meeting of the Standing Committee
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I. INTRODUCTION

- There is a long tradition in some countries in Asia and the Pacific to provide refuge to asylum-seekers and refugees. This tradition has, however, suffered over recent times, not least as a result of a changed security environment and complex migratory flows. The challenge is to foster the development of a protection perspective onto the migration control agendas of governments. Such an approach would take account both of the rights and needs of the individuals of concern to the Office, and of the legitimate interests and constraints that governments face in the region. We all need to work more collectively to enhance our understanding of protection in the region and explain better the added value it brings to governments grappling with mixed flows. This will not be an easy task. In this context, it may be time to ask what the relevance of UNHCR in the region is and what is the contribution of the region to the international community on asylum and refugee matters. New Zealand is a model, but the difference in approach between New Zealand and other states in the region is stark. The issues which arise have an impact beyond the region, the most populous area of the world.

**II. PROGRESS ON GLOBAL OBJECTIVES AND IMPLEMENTATION
OF AGENDA FOR PROTECTION**

Strengthening implementation of the 1951 Convention and 1967 Protocol (Agenda for Protection Goal 1),
Support governments in the creation and maintenance of an international protection regime
(Strategic Goal 1)

- In **Cambodia**, UNHCR made concerted efforts to bolster a fragile asylum system through capacity-building initiatives. The Office was not accorded adequate access to Montagnard asylum-seekers except in the capital. Asylum in Cambodia calls for comprehensive solutions which have so far remained elusive.
- Although UNHCR has emphasized that North Korean asylum-seekers are of concern to the Office, UNHCR has not been granted access to North Korean asylum-seekers in **China**. UNHCR remains deeply concerned that such individuals do not have access to a refugee status determination process and are not protected from *refoulement*.
- In **Mongolia** the government has maintained its interest in accession to the 1951 Convention and the 1967 Protocol. According to the Ministry of Foreign Affairs, a draft ratification of the Convention and Protocol will be submitted to the National Security Council in March 2004. It is envisaged that ratification could take place by mid-2004. After ratification of the Refugee Convention UNHCR will assist the Mongolian government with the development and implementation of national refugee legislation.
- In July 2003, following certain political activities by Myanmarese asylum-seekers in **Thailand**, the Government reproached UNHCR for issuing documentation to persons of concern. As a result of an upsurge in asylum applications, the Office temporarily suspended refugee status determination (RSD). Meanwhile, a series of negotiations have been held with the authorities to address the problem.

- In **Papua New Guinea** and the **Solomon Islands**, UNHCR worked with authorities to draft refugee legislation and establish RSD procedures. In **Japan**, UNHCR commented at different stages on the draft amendments to the Immigration Control and Refugee Recognition Act, especially in respect of appeal provisions. In **Indonesia**, accession to the Convention remained pending. In **Australia**, UNHCR expressed concern over the retroactive excision of some 14,000 islands from the country's Migration Zone, the "push-off" of an Indonesian boat carrying 14 asylum-seekers and rejection of obligations under Article 1D of the Convention.
- In 2003, UNHCR conducted workshops on human rights and refugee law in co-operation with the **Myanmar** Human Rights Committee. The workshops targeted mid-level officials responsible for addressing population displacement and migration issues. This activity will be expanded in 2004. Similar activities were also carried out in **Sri Lanka** in line with the parties' agreement.

Protecting refugees within broader migration movements (Agenda for Protection Goal 2)

- In **Indonesia, Japan, Malaysia, Thailand** and the **Hong Kong SAR**, as elsewhere in Southeast Asia, UNHCR impressed upon governments and authorities the difference between refugees and migrants. The harmonisation of RSD procedures in some of these countries led to case backlogs in Thailand and Malaysia. Harmonisation for Myanmarese asylum-seekers remained a challenge.
- In 2003, over 14,000 persons, primarily from Myanmar and Indonesia (Aceh) sought protection in **Malaysia**. The five-fold increase required considerable resources for UNHCR to conduct RSD in the absence of national legislation on asylum. Resettlement was the sole viable solution. The arrest, detention and deportation of Indonesian asylum-seekers from Aceh was a major concern to the Office.
- Porous borders in **South Asia** and migration movements made refugee protection a formidable challenge. Movements are not discussed regionally, complicating the situation. UNHCR would encourage SAARC and states grouped through other regional fora to address refugee and migration challenges.
- While the "Pacific Solution" reduced the number of asylum-seekers reaching **Australia**, the continued detention of asylum-seekers already in the country, including women and children, heightened hardship, particularly in off-shore processing centres.

Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees (Agenda for Protection Goal 3), Maintain and improve UNHCR's levels of emergency preparedness and response to assist States to respond to refugee influxes (Strategic Goal 2) and Build effective partnerships to better protect people of concern and ensure delivery of quality programmes (Strategic Goal 7)

- **Japan** continued to be UNHCR's second largest donor despite declining levels of ODA. The domestic asylum system in this country remained restrictive despite UNHCR's efforts to enhance advocacy. 2003 saw an increase in the refugee recognition rate in the **Republic of Korea** although it was low in absolute terms. The protection regime in both States needs to be strengthened.
- During the reporting year, contingency planning, emergency preparedness and staff safety workshops were organised by the Tokyo-based **e-Centre** in Japan, Thailand, Papua New Guinea, Timor Leste, Malaysia, Australia and the Philippines. UNHCR pursued a partnership agreement with ASEAN's Committee on Disaster Management.

Addressing security-related concerns more effectively (Agenda for Protection Goal 4)

- Discussions between **Indonesia** and UNSECOORD failed to produce an agreement on security issues in West Timor, which remained at the United Nation's Phase V level. Special security arrangements allowed UNHCR access to persons of concern in West Timor. The offices in **Malaysia** and **Indonesia** saw an upsurge in security incidents ranging from suicide to demonstrations outside the offices. Failed asylum-seekers in **Nauru, Australia** and **Indonesia** resorted to hunger strikes and sewed their lips to highlight their plight. UNHCR is undertaking a review of some of the cases taking into consideration changed circumstances in countries of origin. UNHCR has made it clear that such reviews are not prompted by extreme acts.

Redoubling the search for durable solutions (Agenda for Protection Goal 5), Seek durable solutions (through voluntary repatriation and sustainable reintegration, local integration and resettlement) to the situation of refugees (Strategic Goal 5)

- In the context of a continuing stalemate in the application of solutions to the **Nepal-Bhutan** refugee problem, the High Commissioner urged states in September 2003 to encourage the two governments to implement just, humane and durable solutions. UNHCR would gradually phase-out its involvement with the provision of material assistance in the camps. However, the Office would verify the voluntary nature of repatriation movements in the refugee camps in Nepal. He urged all concerned governments to expedite the resolution of the protracted situation and ensure that UNHCR could discharge its basic mandate functions, including the monitoring of returnees. Conditions for return announced by **Bhutan** on 22 December 2003, however, failed to meet minimum international standards. As a consequence, the first bilateral repatriation movement did not take place in February 2004 as planned, putting in doubt the bilateral process. It is uncertain if the process will resume or whether future arrangements will be acceptable to refugees, in conformity with international standards.
- In 2003, Myanmar cleared 10,500 persons or over 55 percent of the 19,000 refugees in **Bangladesh** for repatriation. 3,200 of these persons volunteered to repatriate, the highest number since 1997. To deal with the expected residual caseload, UNHCR requested authorities in Bangladesh to allow the international community to develop self-reliance projects for the refugees pending their return. UNHCR would implement these projects together with UN and other agencies to provide development assistance to communities which have hosted refugees.
- In **Myanmar**, there was tangible progress in the registration of the population of Northern Rakhine State and the reduction of forced labour and compulsory contributions as well as, to an extent, with respect to the freedom to worship. Some progress was also achieved in the lifting of restrictions on freedom of movement. UNHCR was also able to reduce its activities for vulnerable groups by involving additional agencies in providing assistance to returnees.
- The peace process in **Sri Lanka** was put at potential risk by the political crisis which led to the suspension of parliament on 7 February 2004. However, the cease-fire held, allowing 342,000 IDPs, and nearly 4,500 refugees from India, to return spontaneously to their homes in 2003. UNHCR focused its activities on protection and human rights monitoring while addressing immediate humanitarian needs.
- At the request of the authorities in **Thailand**, UNHCR accepted to extend its good offices in facilitating the resettlement of up to 14,000 Laotian Hmong in Tham Krabok.
- In a major development in **Myanmar**, the authorities agreed to UNHCR initiating activities in the region bordering Thailand in order to create conditions conducive for the repatriation of refugees or IDPs at the appropriate time. UNHCR will work with locally active NGOs to upgrade facilities for basic health, education, vocational training and rural infrastructure at selected locations identified as being potential areas for return. For the moment, UNHCR will not establish field offices in the region

but will have a roving protection presence from Yangon. The office in Myanmar is being strengthened and provided with additional resources for these activities.

- In 2003, EU funding allowed UNHCR to complete construction of 850 shelters for former East Timorese refugees resettled in **West Timor, Indonesia**. In **Papua New Guinea**, UNHCR worked with local authorities and churches to integrate refugees from the Indonesian province of Papua. In Daru, the Office facilitated the voluntary repatriation of a group of refugees who crossed into PNG in the early 1960s. In **Malaysia**, UNHCR was supported in the resettlement of 500 persons. Another 306 refugees were resettled from **Indonesia** and 746 from **India**. **New Zealand** resettled refugees from **Nauru** with strong family ties to Australia.

Meeting the protection needs of refugee women and children (Agenda for Protection Goal 6), Support governments in the provision of protection assistance (Strategic Goal 4)

- UNHCR worked with partners to promote the implementation of its Guidelines on the Protection of Refugee Women and the Prevention and Response to Sexual Violence. Field testing of the revised Guidelines was carried out in **Thailand** and **Indonesia**. The UNHCR offices in **Malaysia**, the **Philippines**, **Timor Leste**, **Singapore** and **Indonesia** developed a seven-point plan of action for the region.
- In 2003, UNHCR addressed sexual and gender-based violence issues in **Nepal** through the establishment of regular protection and reporting procedures, covering the medical needs of victims and assisting them bring alleged perpetrators to justice. Repeated requests were made to the authorities to restore a police presence in the camps. Training was also extended to other countries in South Asia.
- In **Indonesia**, UNHCR continued to identify separated East Timorese children, facilitate family reunification or find other durable solutions deemed to be in the best interest of the children. Since 1999, 2,300 children have been united with their families. As of December 2003, 385 cases remained pending. UN Security Phase V hampered efforts by limiting access to West Timor. UNHCR continued to express serious concern over the continued detention of women and children in **Australia** and **Malaysia**. At the end of 2003, 180 children of asylum-seekers were still in detention in Australia.
- In **Bangladesh**, UNHCR pursued a rights-based approach to improve the situation of refugee women and children. Female refugee participation in in-camp activities rose considerably, as did attendance at schools by female students (50 percent increase).
- In **Sri Lanka**, UNHCR expanded its projects addressing sexual and gender-based violence amongst displaced persons, and supported UNICEF's Plan of Action to reintegrate child soldiers into society.

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