

ExCom 2004: Asia and the Pacific

Part A: Major developments

As an overall trend, the Office notes the positive developments in raising the level of effective protection in several countries throughout the region, expanding the asylum “space” through the identification of innovative answers to the protection needs of individuals and groups. One key remaining concern is the lack of progress in our efforts to solve the few protracted situations that have persisted, in some cases for decades. These situations reflect, for UNHCR, an increasing urgency in our need to find a wide range of solutions which would require concerted efforts and support from Governments and the international community alike.

Part B: Progress on UNHCR’s global objectives and the Agenda for Protection

Strategic Goal 1: Support governments in the creation and maintenance of an international protection regime; Agenda for Protection Goal 1: Strengthen implementation of the 1951 Convention and Protocol

- UNHCR is actively engaged in discussions with the Chinese authorities regarding North Koreans in China and continues to request access to these individuals. UNHCR seeks to broaden a common understanding with the Chinese authorities on the protection needs of the North Koreans, as well as ensuring *non-refoulement* and their access to the refugee status determination process
- In early 2004, UNHCR was granted access to areas of potential large-scale voluntary repatriation in Myanmar. Access to these border areas will permit UNHCR to implement programmes necessary to promote the voluntary return of some 140,000 refugees living in camps in Thailand. While recent developments have represented a significant step forward, UNHCR believes that the time is not yet ripe for repatriation, and that much depends on progress on the political front in Myanmar and in the negotiations between the Government and armed ethnic groups. Following the request of the Government of Myanmar, UNHCR has received the approval of the United Nations Secretary-General to prepare for the return and reintegration of displaced populations and to lead a working group on refugees and IDPs.
- The recent influx of some 300 asylum-seekers from the central highlands of Viet Nam and reports of large numbers of others hiding along Cambodia’s eastern border has required UNHCR to supplement its activities in Phnom Penh. While the Office welcomes the recent authorization to undertake missions to border regions, UNHCR remains concerned about allegations of arrests and *refoulement* of asylum-seekers, and is in active dialogue with the Government to avoid this. Recognizing that not all are automatically in need of international protection, UNHCR has engaged Viet Nam’s authorities in discussing the modalities for the safe return of those who either wish to repatriate or appear not to be in need of international protection.

- On 2 June 2004, the Japanese Diet modified the Immigration Control and Refugee Recognition Act, doing away with a 60-day limit to apply for asylum, reforming the appeals process and introducing other enhancements. UNHCR would welcome the provision of local integration opportunities for refugees recognized previously by UNHCR in Japan. UNHCR is working closely with the authorities of the Republic of Korea on the refugee status determination procedures, which resulted in an increased number of recognitions in the first half of 2004. UNHCR also welcomed positive developments in relation to access to asylum procedures at the airport. The Office has consulted the Korean Government on the need for adequate reception conditions for asylum-seekers, in particular the provision of basic assistance.
- UNHCR's priorities in Papua New Guinea (PNG) have been to support development of a domestic refugee law which would be consistent with its international obligations. In addition to this, UNHCR has facilitated the local integration of some 3,000 Indonesian (ethnic Papuan) refugees at the Government relocation site of East Awin. UNHCR is now working with PNG authorities and the Diocese of Vanimo to relocate an additional 250 refugees.
- UNHCR has welcomed a recent decision by the Australian Government to allow Temporary Protection Visa holders to apply for permanent visas as well as the announcement to increase Australia's resettlement quota from 4,000 to 6,000 places per year. UNHCR also appreciates the inclusion of a large group of women at risk from Liberia in this year's quota. UNHCR encourages Australia to adopt forms of complementary protection for those in need of such protection in line with the Agenda for Protection, whether by using its existing visa system or through developing a new complementary protection regime.

Agenda for Protection Goal 2: Protecting refugees within broader migration movements

- In the first half of 2004, almost 6,000 asylum-seekers were registered with UNHCR in Malaysia. The vast majority of these asylum-seekers originate from the Indonesian Province of Aceh, with smaller numbers from Chin State and Northern Rakhine State in Myanmar. To provide at least a minimum level of protection, UNHCR has issued some 10,000 temporary protection letters so far this year to new arrivals, as well as pending cases from last year. A further 502 cases have been recognized under individualized refugee status determination screening. UNHCR has embarked on high-level talks with the Government to create a wider humanitarian "space" for all categories of persons of concern to UNHCR. In particular, the Office is working with the Malaysian authorities to ensure the recognition of protection documentation and respect for the principle of *non-refoulement* of refugees. This is particularly important given the recent announcement by the authorities of a renewed crackdown on illegal migrants, which has been postponed until next year, but which UNHCR views with concern in case no proper distinction is made between economic migrants and people in need of international protection.

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

- The Royal Thai Government's recent agreement to re-establish the Provincial Admission Board (a Thai Government commission that decides on Myanmar refugee admissions), as well as the proposed establishment of an appeal board in Bangkok, represents a significant step forward. UNHCR is to become a full member of both boards.
- UNHCR appreciates the ongoing cooperation with New Zealand, the positive protection climate in that country and its resettlement programme.

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

- The reduction of the United Nations Security Phase in West Timor in Indonesia in June this year will facilitate implementation of a UNHCR-initiated five point plan to ensure the local integration of the estimated 28,000 East Timorese remaining in West Timor. The plan includes the construction of additional homes and local integration projects, ensuring the acquisition of Indonesian citizenship (already approved in 2003 by the Indonesian Government) and voluntary repatriation.

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

- UNHCR has presented a proposal to the Government of Bangladesh for a self-reliance programme for the 20,000 refugees from Myanmar pending their return. Following the return of some 240,000 persons from Myanmar, only 20,000 refugees remain in two camps in the country. UNHCR continues to facilitate voluntary repatriation, targeting some 6,200 refugees who have been authorized to return by the Government of Myanmar, although the numbers of those actually returning are small. UNHCR's programme aims to empower the refugees by affording them an opportunity to be independent of external assistance after more than a decade in exile.
- In Sri Lanka, the current security situation has given rise to serious protection concerns, including many allegations of new military recruitment, abductions and hostage taking by the Liberation Tigers of Tamil Ealam (LTTE). Nevertheless, by June 2004, over 369,000 IDPs, and 12,000 refugees had spontaneously returned to their homes from India since the February 2002 ceasefire agreement, of whom 2,345 returned with assistance from UNHCR. UNHCR continues to monitor the well-being of IDPs, monitor, report and make interventions on human rights abuses and respond to the IDPs' immediate protection and assistance needs. New multilateral investments, as pledged at the June 2003 Tokyo conference, remain conditional on progress in the peace talks.

- Following a request from the Thai authorities, UNHCR completed the registration of some 14,000 Laotian Hmong who had been accommodated in Tham Krabok and are being resettled to the United States.
- The statements by the Governments of Nepal and Bhutan to pursue solutions after a delay of some nine months is welcomed. It is hoped that the commitment will soon result in the implementation of durable solutions for this protracted situation.

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

- UNHCR has identified sexual and gender-based violence (SGBV) as a major protection concern among Sri Lanka's displaced communities, compounded by a lack of information and awareness about this issue. UNHCR is launching a media campaign on SGBV in English, Sinhala and Tamil in 2004, focusing on creating awareness of this key issue and stressing prevention.
- As of the end of June 2004, UNHCR has assisted in the reunification of almost 2,350 previously separated East Timorese children in Indonesia. Another 1,115 have been locally integrated in the "best interests of the child". UNHCR is now working on finalizing the remaining 174 cases. UNHCR continues to search for solutions for the remaining urban cases in coordination with the Indonesian authorities.
- UNHCR's support in Papua New Guinea has included the provision of 1,185 birth certificates for children born in the country, and the applications for permissive residency to all refugees over 18 years of age (including women, for the first time).
- UNHCR's Project Profile is providing training and new tools for registration and data management in Thailand, Nepal, Malaysia and Hong Kong SAR, China; new systems are already in use in Bangkok and Kuala Lumpur. In Thailand, the teams are presently carrying out field testing in Tham Hin Camp with the Government's participation. Registration will yield additional information useful in the identification of special needs, vulnerabilities, and in the identification of appropriate durable solutions.