



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: China

Planning Year: 2005

COUNTRY OPERATIONS PLAN FOR 2005
FOR CHINA, HONG KONG SAR, MACAO SAR AND MONGOLIA

PART I: Executive Committee Summary

In 2002-3 China's diplomacy grew more proactive and omni-directional: its phenomenal economic growth fuel regional and global growth and strengthen China's influence in the world political arena. China is more openly and actively engaged with the international community in an extensive dialogue on many diverse aspects of socio-economic change that are idiosyncratic of a free market society, including issues of human rights. China's cooperation with the United Nations has also increased, particularly in contributions towards peacekeeping and security policing operations, and the advocacy of peaceful diplomacy.

As a Refugee Convention signatory, China remains actively concerned with issues of asylum and migration. However, China has not enacted refugee regulations or extended its Convention signatory status to Hong Kong SAR. In these circumstances UNHCR undertakes refugee status determination and provides assistance to individual refugees and asylum-seekers of various nationalities. UNHCR, through its Regional Office in Beijing, Sub-office in Hong Kong SAR and Liaison Office in Mongolia, seeks durable solutions for individual refugees principally through resettlement, and for Vietnamese refugees in China, through naturalization, in recognition of their successful local integration over some 25 years. UNHCR promotes the protection of refugees and the global aims and programmes of UNHCR in the sub-region through: the advocacy of accession and/or legislation and related capacity building; the monitoring of compliance with internationally accepted asylum practices; and the pursuit of public awareness, and public and private sector fund raising activities.

(a) Context and Beneficiary Populations

The Regional Office's 2005 programme will be structured around the following five beneficiary populations or themes and related goals:

1) NORTH KOREAN ASYLUM-SEEKERS - to improve access to protection and solutions for North Korean asylum-seekers;

UNHCR has not been granted access to North Korean asylum-seekers in China and substantive progress has not been made in seeking arrangements that would provide protection and solutions for them. In light of these unsatisfactory circumstances, the High Commissioner concluded in September 2003 that in view of their international protection needs, North Koreans in China were considered, as a group, persons of concern to his Office. UNHCR will continue to seek a meaningful dialogue with the Chinese authorities towards harmonizing approaches to promote asylum, prevent *refoulement* and facilitate solutions for North Korean asylum-seekers.

2) INDIVIDUAL ASYLUM-SEEKERS AND REFUGEES - to enhance international protection for, and provide assistance to refugees and asylum-seekers,

and to seek durable solutions for refugees in China, Hong Kong SAR, Macao SAR and Mongolia;

In China and Mongolia in the absence of national legislation and regulations, UNHCR will remain engaged in refugee status determination, in addition to providing material assistance and identifying durable solutions for refugees. In Mainland-China, efforts to improve the quality of asylum for refugees, particularly in relation to enhancing their self reliance through more independent living arrangements and possibilities to work will be pursued further. In Hong Kong SAR, refugees do not have the right to work and rely almost exclusively on UNHCR for assistance. In view of Hong Kong's non-CSR51 signatory status and the absence of local integration possibilities, UNHCR will remain actively engaged in refugee status determination and resettlement solutions, while further advocating for access to employment.

3) INDOCHINESE REFUGEES IN SOUTHERN CHINA - to confirm durable solutions essentially through the promotion of Chinese nationality;

In China in view of the high level of local integration and self reliance achieved by some 295,000 Vietnamese refugees in Southern China after 25 years of assistance cooperation between UNHCR and China, it is envisaged that UNHCR will disengage from its decade-long involvement in the implementation of the Revolving Fund Based Credit Scheme (RFBCS) by end-2004. UNHCR's disengagement from the RFBCS does not preclude the continuing interest of the Office in the legal status of Vietnamese refugees, and the hope that the Chinese Government will grant Chinese nationality to all Vietnamese refugees who see their future as citizens of China. UNHCR will retain a commitment to assist with the voluntary repatriation of any Vietnamese who may still wish to return to their country of origin, subject to agreement between the concerned governments. In Hong Kong SAR, UNHCR will continue to monitor the ongoing local integration of the residual ex - CPA Vietnamese caseload.

4) PROMOTION OF REFUGEE PROTECTION – to promote accession to the international refugee protection instruments in the sub-region, and the establishment and implementation of national legislation and procedures, or appropriate interim alternatives, which comply with international protection standards.

In China it is envisaged that progress towards the finalization and adoption of national refugee regulations will be made in the course of 2004. UNHCR has offered technical assistance to insure that these regulations are consistent with international standards. In 2005 UNHCR will provide further training in international protection and refugee status determination to build the capacity within governmental counterparts to assume institutional responsibility for the effective implementation of national refugee regulations. In Hong Kong SAR UNHCR will continue to promote the extension of China's accession to the 1951 Refugee Convention to Hong Kong. In the interim, UNHCR will seek to work more closely with the relevant authorities through the further development of coherent asylum procedures based on international standards of protection. In Macao SAR it is envisaged that administrative refugee regulations will be adopted in 2004 and that UNHCR's activities in 2005 will focus on institutional capacity building to support their effective implementation. In Mongolia, the government reported that a draft ratification of the 1951 Refugee Convention and 1967 Protocol will be submitted through the National Security

Council to Cabinet and Parliament in 2004. In the event of ratification UNHCR will assist the Mongolian Government with the development of national refugee regulations along with ongoing training in refugee status determination, and institutional capacity building to support their effective implementation. Meanwhile, UNHCR will be assisting the government in developing an interim asylum procedure for dealing with the potential asylum cases in the country.

5) PUBLIC AFFAIRS AND PRIVATE SECTOR FUND RAISING – to build awareness and support of UNHCR’s global image, mandate, goals and programmes.

In the sub-region, UNHCR will continue to build awareness of UNHCR’s mandate and global programmes and develop supportive constituencies within the government, media, academia, and civil society. In Hong Kong SAR, UNHCR will continue to seek alternative means of support for the refugee assistance programme from the government, local charities and NGOs and further pursue private sector fund raising opportunities.

(b) Selected Programme Goals and Objectives

Program 1 - Protection of North Korean asylum seekers	
Goal: To improve knowledge of, access to, protection of, and solutions for North Korean asylum seekers.	
<i>Objectives</i>	<i>Outputs</i>
- <u>In China</u>, to maintain a dialogue and promote active cooperation with the PRC authorities aimed at harmonizing approaches to promote asylum, prevent <i>refoulement</i> and facilitate durable solutions. - In <u>Mongolia</u>, to maintain supportive constituencies and build further capacities within the Mongolian government (GoM), NGO’s and civil society that will ensure protection through the retention of a humanitarian policy.	More positive/concrete influence on PRC positions and actions through successful advocacy in collaboration with UNNY, sister agencies and member states. Predictable entry/asylum and acceptable protection outcomes for North Koreans asylum-seekers entering Mongolia.
Program 2 - Individual refugees and asylum seekers	

Goal: To enhance international protection for, and provide assistance to refugees and asylum seekers, and to seek durable solutions for refugees in China, Hong Kong SAR, Macao SAR and Mongolia

Objectives

Outputs

In the Sub Region, to improve knowledge of, access to, and the quality of asylum for individual refugees.

Willingness of the respective governments to maintain more flexible asylum policies.

Contacts with select embassies and consulates are expanded and resettlement quotas will be established (for Mainland caseload), and maintained/increased as necessary (in Hong Kong SAR)

Acceptable balance between recognition and departure rates of refugees to allay concerns of Hong Kong authorities.

Program 3 - Indo-Chinese Refugees in Southern China

Goal: To confirm durable solutions for Indo-Chinese refugees

Objectives

Outputs

In China, to achieve durable solutions for Indo-Chinese refugees through naturalization, and to ensure that those refugees that had not been granted identity cards, will receive the same status as the majority and not be excluded from citizenship.

Documented consensus with the Chinese Government regarding the timing and modalities for the granting of citizenship to Vietnamese and residual Laotian and Cambodian refugee populations.

Program 4 - Promotion of Refugee Protection

Goal: To promote in the Sub-region accession to the international refugee protection instruments, and the implementation of national legislation and procedures, or appropriate interim alternatives, which comply with international protection standards.

Objectives

Outputs

<u>In the Sub-region</u>, to identify and/or continue to pursue issues relating to the Agenda for Protection and Convention Plus that are specifically relevant to the protection of refugees in the sub region.	<u>In China</u>, to continue an active and germane UNHCR advisory relationship with counterpart government departments responsible for the revision of draft national refugee regulations to encourage earliest adoption and conformity with international standards. <u>In Hong Kong SAR</u>, to continue to promote the extension of China's accession to the 1951 Convention to Hong Kong SAR, and; In the absence of accession, to further develop coherent cooperation procedures based on internationally recognized RSD and asylum standards and to build further local capacities to this end. <u>In Mongolia</u> prior to accession, to assist further the GoM with the development and implementation of interim refugee status determination procedures and capacity building for this purpose, and; After accession, to assist the GoM with development and implementation of national refugee legislation.

Program 5 - Public Affairs and Private Sector Fund Raising

Goal: To build awareness in support of UNHCR's image, global mandate, goals and programs

<i>Objectives</i>	<i>Outputs</i>
<u>In the Sub-region</u>, to enhance understanding and awareness and build constituencies within the government and the public at large on UNHCR's global role, and mandate.	<u>In China</u> a broader base of public awareness and an increase in China's advocacy of UNHCR's mandate and support for global programs. <u>In Hong Kong SAR</u> promotion of local Public Affairs / Private Sector Fundraising one-off events targeting opinion leaders, individuals, charitable institutions and corporations aimed at growth in UNHCR's positive public image and enhanced public

	awareness of refugee rights.
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