

East Asia and the Pacific

Australia
Brunei Darussalam
Cambodia
China
Democratic People's Republic of Korea
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
Timor-Leste
Viet Nam

Major developments

The year was marked by the independence of Timor-Leste (East Timor) and the return of over 31,000 refugees to the country. By the end of 2002, some 225,000 persons had returned, with UNHCR announcing the cessation of refugee status for those from Timor-Leste.

Following a number of security incidents in Cambodia (in Mondulkiri and Ratanakiri provinces) in March 2003, UNHCR was compelled to withdraw from a tripartite agreement with Cambodia and Viet Nam. The Cambodian authorities eventually permitted the resettlement of 900 Montagnards to the United States, at the latter's request. Although most of the group benefited from this arrangement, it came at the expense of asylum for any Montagnards subsequently trying to reach Cambodia from Viet Nam, as the Government closed its border to new arrivals. UNHCR has received further reports of forcible return of individual asylum-seekers and refugees.

In 2002, over 200 North Koreans entered diplomatic missions in China to seek asylum. Although most



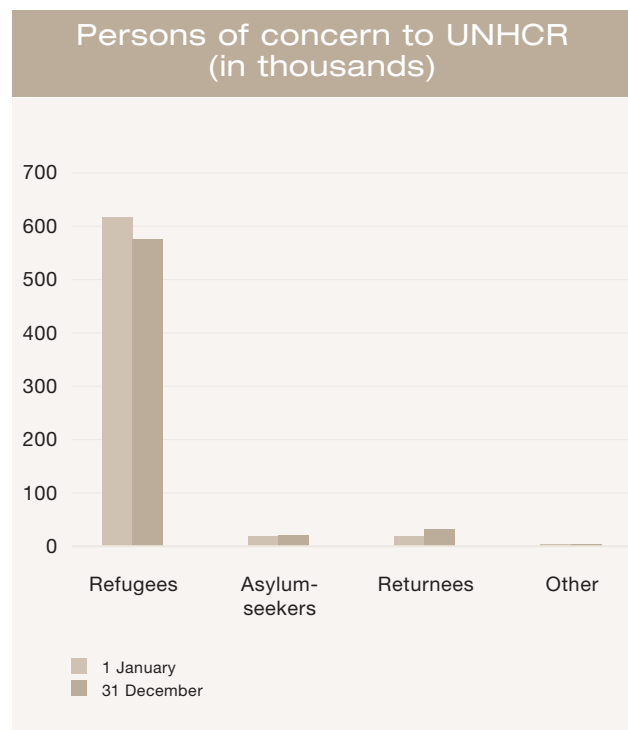
of these asylum-seekers were eventually permitted to leave China and were subsequently resettled, UNHCR remains concerned about the risk of deportation of North Koreans elsewhere in China. UNHCR continues to seek access to these people in order to ascertain asylum claims, as among these individuals there may be persons in need of international protection.

Challenges and concerns

UNHCR continues to be confronted by a number of challenges affecting access to asylum-seekers and populations of concern. These include difficulties over access to areas of first asylum in the north-eastern provinces of Cambodia, and areas of return in the Central Highlands of Viet Nam, and a lack of access to the Chinese provinces of Jilin and Liaoning along the North Korean border, as well as reports of *refoulement* from Cambodia and China.

The increased focus of many governments on security issues has had a negative impact on the ability

of the Office to achieve its strategic objectives in the region, particularly with regard to ensuring effective asylum. A particular concern was the August



2002 crackdown by Malaysian authorities on illegal migrants, including some 15,000 Rohingyas. On 1 August, some 130 Rohingyas were arrested in front of the UNHCR office in Kuala Lumpur. The deteriorating protection environment led to an increase in security risks for UNHCR staff throughout the sub-region. The UNHCR office in Kuala Lumpur was invaded and occupied on five occasions. Similar occupations also occurred in Indonesia in the Jakarta office.

Progress towards solutions

In the Philippines, which signed the 1951 Refugee Convention twenty years ago, the Government took steps to regularise the situation of stateless persons and long-term refugees. The Timor-Leste Parliament ratified the 1951 Refugee Convention and its 1967 Protocol in December 2002 (with promulgation still pending at the end of the year).

Given the increasingly difficult protection environment, UNHCR remained appreciative of the generous response of resettlement countries. Since 11 September 2001, however, resettlement of refugees from certain countries has become increasingly difficult. In Cambodia, 791 persons were resettled, with another 144 awaiting completion of the resettlement process. In Malaysia, 102 refugees were resettled, with another 89 awaiting the completion of departure formalities. 433 refugees were resettled from Indonesia, and another 215 refugees from the *M.V. Tampa* from Nauru. In Thailand, 296 refugees were resettled, with another 190 refugees awaiting the completion of resettlement formalities. In Hong Kong Special Administrative Region (SAR), 939 of the 984 eligible Vietnamese refugees and migrants were accepted for local settlement by the year's end.

Operations

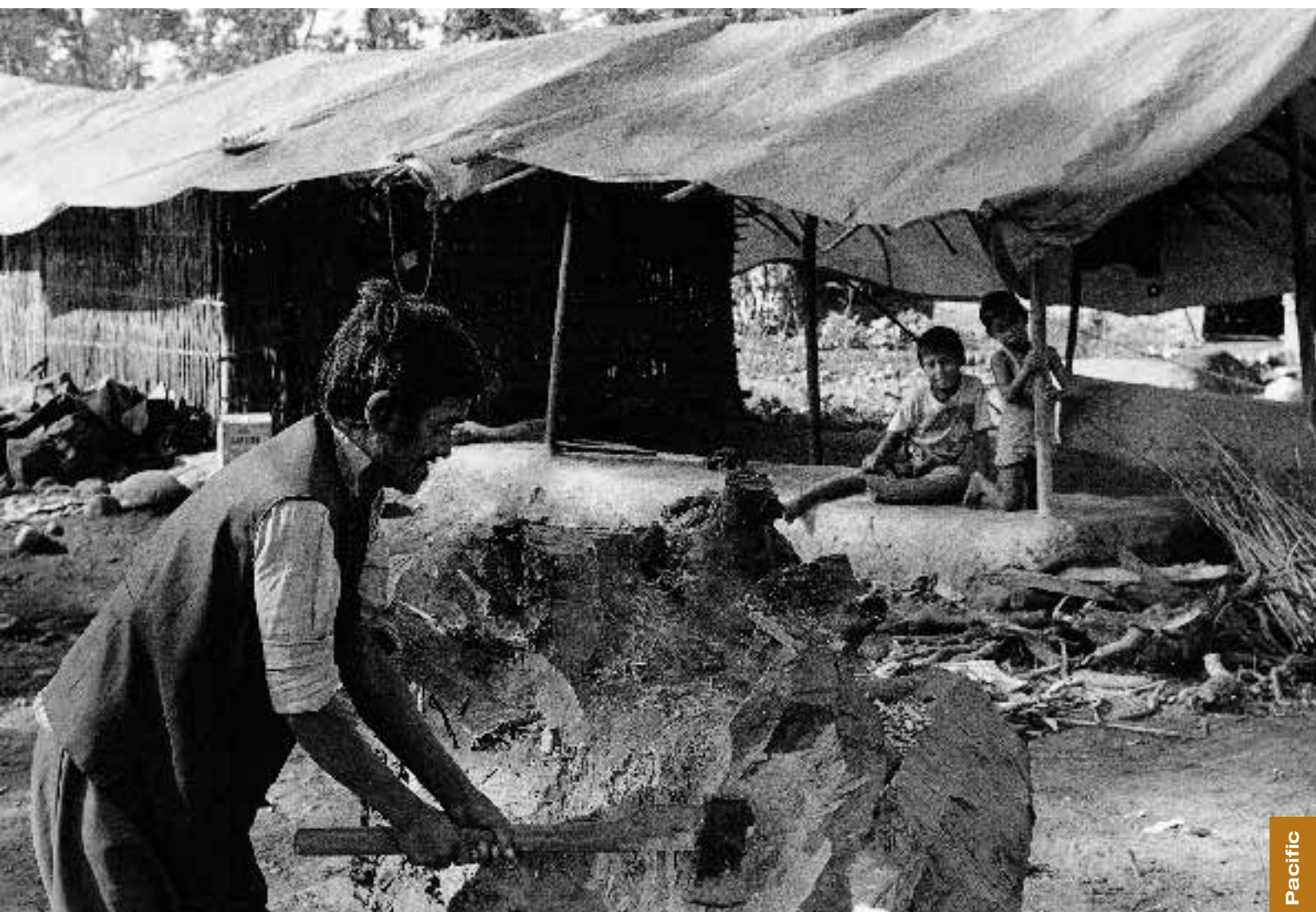
UNHCR's operation in **Indonesia** is described in a separate country chapter.

The number of asylum-seekers detained in the **Australian** on-shore and off-shore processing centres (Nauru and Manus Island, Papua New Guinea) declined during the reporting period. This was primarily due to the fall in the number of persons

attempting to enter Australia irregularly. Although Australia remained one of the leading resettlement countries in the world, UNHCR expressed concern regarding restrictions imposed on holders of Temporary Protection Visas, such as non-recognition of their right to family reunion. Private sector fund raising received a boost with the granting of tax-deductible status to Australia for UNHCR for five years.

In **Cambodia**, following the breakdown of the tripartite agreement with Viet Nam and UNHCR, a bilateral agreement between the USA and Cambodia was reached for the early resettlement to the US of 905 Montagnards remaining in the Ratanakiri and Mondulakiri sites. This group was first moved to Phnom Penh in April. Shortly after their arrival, the US Immigration and Naturalization Service (INS) and IOM began processing the refugees for resettlement. A combination of factors – time required to find appropriate sponsorship, lack of available airline bookings, the lengthy approvals for some of the refugees – caused delays which soon made the original time frame (an estimated six to eight weeks) look over-optimistic. But by the year's end, most had been resettled, leaving 124 at the Phnom Penh site, together with another group of 16 who were able, at short notice, to reach Phnom Penh from other regions in Cambodia, and four new arrivals from Viet Nam. UNHCR staff returned on several occasions to Mondulakiri and Ratanakiri, but were not permitted to travel to border areas. It was thus not possible to gain direct access to new arrivals, and UNHCR received reports of numerous deportations of Montagnards trying to reach Cambodia.

In **China**, UNHCR continued to promote durable solutions for 295,000 Vietnamese refugees, principally through either naturalisation or voluntary repatriation for those who wished to return to Viet Nam. While no progress was reported on the granting of Chinese citizenship to the majority of the Vietnamese, most of the refugees continued to enjoy the same benefits and rights as Chinese citizens. As for the voluntary repatriation of a limited number, neither efforts by UNHCR nor bilateral discussions yielded any agreement. UNHCR agreed to pursue an advisory role aimed at helping the Government to concentrate on the most vulnerable Vietnamese refugees.



Despite the successful repatriation of thousands of refugees, many are still in need of international protection outside their home country. UNHCR / A. Hollmann

In **Hong Kong SAR**, where no legal framework exists to govern the practice of asylum, UNHCR continued to extend its mandate to persons in need of international protection. While the Hong Kong authorities observe the international principle of *non-refoulement* and generally grant UNHCR right of access to asylum-seekers, UNHCR remained solely responsible for refugee status determination (RSD), assistance to needy asylum-seekers and refugees, and the identification of durable solutions. Current arrangements do not confer on non-Indo-Chinese refugees the right to employment, and refugee children do not enjoy the right to attend state schools. The Government remains indisposed to accede to the 1951 Refugee Convention. However, following a court ruling that the Government had a fundamental responsibility to protect potential victims of torture, many of whom are asylum-seekers, constructive consul-

tations with the authorities made progress with a view to providing training in RSD and establishing related procedures for immigration and security officials.

During 2002, over 31,000 refugees repatriated from Indonesia to **Timor-Leste**, bringing the total since October 1999 to almost 225,000. As at 31 December 2002, 4,323 separated children had been registered, of whom 2,131 had been reunited with their parents. Another 1,373 cases had been closed for other reasons. At the end of 2002, 819 cases remained open, comprising 162 in Timor-Leste, 357 in West Timor and 300 elsewhere in Indonesia.

In **Japan** and the **Republic of Korea**, UNHCR continued to support the raising of asylum standards and public awareness of refugee issues, UNHCR's role and its funding needs. Some progress was

made in both countries on certain aspects of international protection, and UNHCR will lobby for further improvements. The Tokyo-based Emergency Centre, or e-Centre, entered the third year of programme implementation in 2002. Six workshops were organised in Japan, Thailand, the Republic of Korea and New Zealand. They were attended by some 190 participants from governments, NGOs, and international organisations from 31 countries in the region. Another 135 students opted for Distance Education modules made available through the e-Centre. In addition, the e-Centre distributed information and technical manuals through its website, which reached an average of around 80,000 hits per month.

In August, **Malaysian** authorities imposed new penalties on illegal migrants, including caning and deportation. The UNHCR office in Kuala Lumpur was subsequently inundated by hundreds of asylum-seekers, primarily from Indonesia and Myanmar. In response, UNHCR sent additional protection staff, recruited national lawyers and expanded its RSD unit. By the end of 2002, some 805 cases had been determined, with over 100 refugees resettled. Another 500,000 illegal migrants were reported to have left the country during the immigration amnesty period between March and August 2002.

In **Mongolia**, UNHCR was engaged in concerted efforts to encourage the Government to accede to the 1951 Refugee Convention and its 1967 Protocol. Efforts to hasten the process of ratification included high-level representations, assistance in drafting recommendations, training, and the dissemination of detailed information about refugee law. In November 2002, a new MOU was signed with the Government, outlining plans of action for UNHCR's assistance in the promotion of refugee law and capacity-building activities.

UNHCR finalised the assessment of the claims of 529 asylum-seekers who had been brought to **Nauru** in September 2001 by the Australian Navy. By the end of 2002, 215 of the 271 accepted persons had departed for resettlement countries. A further 26 had been accepted and were awaiting departure. UNHCR ended its presence in Nauru in late 2002.

UNHCR maintained a close relationship with the **New Zealand** authorities, which included monitor-

ing of detention centres, and the promotion of resettlement quotas. With the closure of the UNHCR office in New Zealand in late 2001, UNHCR's activities were covered from the Regional Office in Canberra, Australia. New Zealand became a member of ExCom in 2002.

In late 2002, UNHCR monitored the RSD interviews of some 300 asylum-seekers from West Papua, Indonesia, who had sought asylum in **Papua New Guinea**. UNHCR also visited the Manus Island processing centre on one occasion to monitor conditions. The centre was established to accommodate asylum-seekers intercepted en route to Australia. Two workshops titled "Towards Refugee Law in the South Pacific" were held in Fiji and Papua New Guinea.

A revised immigration bill, which incorporates asylum procedures for refugees, and a framework for the treatment of refugees and asylum-seekers, was adopted by the **Philippine** Congressional Committee on Justice. The Philippine Government is also reviewing the possibility of granting permanent residency to screened-out Vietnamese and others stranded in the country. Both bills are to be reviewed by the Senate Committee on Justice. Progress was also achieved in removing the remaining obstacles to a revision of work permit regulations.

In **Thailand**, new arrivals from Myanmar increased steadily, bringing the total camp population to 17,530. They are not admitted as refugees, as the Government's admission criterion is limited to persons 'fleeing from fighting', excluding those having fled Myanmar because of human rights abuses and the effects of civil war. Most were allowed to remain in camps and were given housing and assistance. Although voluntary repatriation is the most appropriate solution for the vast majority of this group, fundamental conditions – including removal of the cause of flight, the safe and voluntary nature of return, and UNHCR's unrestricted access to both sides of the border – must be adequately addressed before UNHCR's support for voluntary repatriation can be considered. There was a dramatic increase in new applications during the year, with more than 2,534 asylum-seekers from 29 nationalities seeking UNHCR's protection. At the end of 2002, the number of urban refugees totalled 342 persons of some

22 nationalities. There were, in addition, 1,409 recognised Myanmar refugees living outside camps. Protection documents for refugees and asylum-seekers were revised as a way to ensure their rights, and UNHCR intervened to secure the release of a large number of refugees arrested for illegal entry.

In **Viet Nam**, UNHCR maintained a staff presence to undertake refugee law training for Government officials and to preserve a dialogue on issues relating to the displacement of Montagnards.

UNHCR was an active participant in the Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) regional process during the course of the year. UNHCR played a leading role in giving direction to the annual APC plenary in Hanoi (November 2002) and the various sub-regional thematic meetings. Since the creation of the APC process in 1996 to establish a forum for the discussion of refugee and asylum issues, UNHCR also provided financial and administrative support to the APC until the close of 2002. At the end of the year, UNHCR handed over administrative management matters to the APC secretariat, bringing about full ownership of the process by member States. UNHCR will continue to remain actively engaged in the APC process to ensure that discourse on refugee and asylum issues is maintained within the broader context of discussions on mixed migratory movements.

Funding

While some donors continued to show a special interest in the East Asia and Pacific region in 2002, there was a decrease in the level of total contributions to the region (as a proportion of total requirements). Some country operations received no earmarked contributions, and were funded through broadly earmarked contributions or a reallocation of resources within the region.

Voluntary Contributions – Restricted / Earmarked (USD)

Earmarking ¹	Donor	Annual Programme Budget		Supplementary Programme Budget	
		Income	Contribution	Income	Contribution
Australia					
	Australia	636,047	636,047	0	0
Cambodia					
	Mainichi Social Welfare Foundation (JPN)	7,576	7,576	0	0
China					
	France	43,178	43,178	0	0
Indonesia					
	Australia	0	0	94,322	94,322
	Netherlands	2,122,748	2,122,748	0	0
	Japan	750,000	750,000	0	0
	Sweden	0	0	48,544	48,544
	United States of America	0	0	1,430,000	1,430,000
New Zealand					
	New Zealand	685	685	0	0
Papua New Guinea					
	Australia	84,794	84,794	0	0
Thailand					
	European Commission	310,688	310,688	0	0
	Switzerland	299,401	299,401	0	0
	United Kingdom	468,750	468,750	0	0
	USA for UNHCR (USA)	100,100	100,100	0	0
Timor-Leste					
	European Commission	495,930	490,677	0	0
	Japan	250,000	250,000	0	0
Viet Nam					
	France	43,178	43,178	0	0
East Asia and Oceania					
	Canada	318,471	318,471	0	0
	Japan	3,900,000	3,900,000	0	0
	United States of America	5,615,000	5,615,000	0	0
Total		15,446,546	15,441,293	1,572,866	1,572,866

¹ For more information on the various earmarkings, please refer to the Donor Profiles.

Budget and Expenditure (USD)

Country	Revised Budget			Expenditure		
	Annual Programme Budget	Supplementary Programme Budget	Total	Annual Programme Budget	Supplementary Programme Budget	Total
Australia and New Zealand	1,425,172	0	1,425,172	1,316,390	0	1,316,390
Cambodia	1,185,719	0	1,185,719	1,159,473	0	1,159,473
China	3,166,999	0	3,166,999	2,789,537	0	2,789,537
Indonesia	6,090,591	5,000,555	11,091,146	5,909,060	540,000	6,449,060
Japan	2,930,833	0	2,930,833	2,788,272	0	2,788,272
Republic of Korea	198,665	0	198,665	198,200	0	198,200
Malaysia	752,673	0	752,673	736,834	0	736,834
Mongolia	232,998	0	232,998	105,969	0	105,969
Papua New Guinea	241,414	0	241,414	156,167	0	156,167
Philippines	434,862	0	434,862	360,202	0	360,202
Singapore	57,800	0	57,800	37,504	0	37,504
Thailand	4,607,406	0	4,607,406	4,411,238	0	4,411,238
Timor-Leste	4,490,969	1,917,000	6,407,969	4,266,060	1,117,000	5,383,060
Viet Nam	208,083	0	208,083	191,256	0	191,256
Regional Projects ¹	206,700	0	206,700	150,493	0	150,493
Total	26,230,884	6,917,555	33,148,439	24,576,655	1,657,000	26,233,655

¹ Includes dissemination of refugees law in Asia, assistance to refugees in the South Pacific, repatriation of Indochinese and scholarships for refugee students.