



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Cambodia

Planning Year: 2005

Part I: Executive Committee Summary

(a) Context (Beneficiary Population(s) and Theme(s))

The political situation in Cambodia has been shaken because of the unsolved solution to the formation of a new government after the general election held on 27 July 2003. This political deadlock has been worrying the international community, donors, investors and the Cambodian people as a whole. To date, 8 months after the elections, no new government has yet been formed and the newly elected parliamentarians haven't started their work.

The 27 July general elections were concluded with the victory of the ruling party. The Cambodia People Party (CPP) won 73 seats, while Funcinpec got 26 and Sam Rainsy Party (SRP), received 24 seats. Having won 73 of the 123 National Assembly seats (less than 60% of the Assembly seats as required by the Cambodian Constitution), however, the CPP was not able to create a Government without forming a coalition. Both Funcinpec and SRP have initially refused to work with CPP. Instead, by putting aside years of bitter disputes in their quest to challenge the result of the 27 July election, the two parties jointly formed an alliance, namely, "Alliance of Democrats". This also resulted in the stalemate for the formation of a new government.

In an attempt to end the government standoff, King Sihanouk had tried to organize several meetings between the three parties in order to find solutions to the problem but was unsuccessful in reaching any agreement. With his effort, the King was only able to call the 123 newly elected parliamentarians to be sworn in at a ceremony outside the Royal Palace on 4 October 2003, which formally gave birth to a new National Assembly but offered no solution to the standoff between the ruling CPP and Alliance of Democrats.

The political tension worsened with the killing of high profile figures from the opposition parties, Funcinpec and SRP. Since the beginning of 2003, assassin-style attacks in Phnom Penh have taken on a frightening regularity whereby killers operate and escape unhindered.

Although Cambodia is a signatory to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, there is neither domestic legislation nor administrative procedures pertaining to refugees and asylum seekers. Most often decisions concerning refugees, and in particular with regards to the Montagnard caseload, are taken at the highest political level.

A significant development during the year of 2003 was the visit of the Directors of DIP and RBAP and their meeting with the Prime Minister, H.E. Hun Sen, which resulted in the RGC agreement to establish national legislation to deal with refugees and asylum seekers in Cambodia. A draft "Decree on Refugees and Asylum", provided by UNHCR, is being reviewed by a MOI legal group. The adoption of the draft Decree will require close collaboration between the Government and UNHCR in 2005.

The asylum seekers and refugees – with the exception of Montagnards – generally do not experience any problems when entering the country. Border control is not strict and asylum seekers, mainly Vietnamese asylum seekers, report that they are able to enter the country even without proper travel documents.

In terms of promoting durable solutions for refugees, UNHCR continued to support voluntary repatriation, local integration and resettlement for the small urban caseload. These efforts, and in particular with regard to local integration, will surely depend on the Government's commitment to the adoption and full implementation of the Draft Decree on Refugees and Asylum, which will be the main approach for UNHCR in 2005.

UNHCR Phnom Penh will continue to provide financial, social and legal assistance to refugees and in exceptional cases, to asylum seekers through its implementing partner, Jesuit Refugee Services (JRS). Under the supervision of UNHCR, JRS will tend to the immediate needs of refugees and extremely vulnerable asylum seekers through home visits, payment of monthly stipends, social counseling and medical assistance.

The arrival of Montagnards in Cambodia continues to be a highly politically sensitive issue which also significantly strained the relationship between UNHCR and the Royal Government of Cambodia (RGC). In December 2003, 3 Montagnards arrived at UNHCR's Office in Banlung, Ratanakiri Province, causing a major crisis with the Cambodian Government which at first refused UNHCR to transport the individuals to Phnom Penh. UNHCR is maintaining its refugee site in Phnom Penh housing Montagnards which are being processed for resettlement to the US. A few Montagnards also found their way directly to UNHCR's Office in Phnom Penh and were subsequently transferred to the site for RSD and resettlement processing. The Government has accepted the arrival of Montagnards at the site and UNHCR sees this as a small but vital protection space in which UNHCR can provide effective protection from refoulement to Montagnard refugees.

In 2005, UNHCR will continue to conduct RSD for Montagnards and to submit recognized cases for resettlement. It is anticipated that UNHCR will continue to receive small numbers of Montagnard cases in Phnom Penh.

Due to the absence of asylum/refugee legislation or clear policies, and as the RGC showed significant reluctance in extending effective protection, and based on the explicit wishes of the Government, to limit the number of actors involved with the issue, UNHCR has continued to take the main responsibility for assuring that protection and assistance is extended to the Montagnards, including the provision of weekly food and supplies, sanitation, health care and general management of the site.

During the reporting period, UNHCR has continued to receive reports of *refoulement* of Montagnard new arrivals. This is a matter of serious concern for the office. The office plans to revive the discussion with the Government on the need to respect the right of asylum for those fleeing persecution. For this, UNHCR will enlist the support of its major donors.

On 4 March 2003, the Ministry of Interior unilaterally decided to remove all police guards from the temporary refugee site in Phnom Penh. In response to UNHCR's query to the Government regarding the decision to remove the guards, the Government replied by requesting UNHCR to provide a deadline for the closure of the site and accused UNHCR of continuing to receive more Montagnard new arrivals. In the absence of the national police guards, UNHCR decided to hire a private security guard (MPA) in June 2003, to protect the refugee site 24 hours a day. This will continue throughout 2005.

Although the caseload was transferred to a Phnom Penh site, in April 2002, UNHCR Office still maintained its presence in the two provinces, Mondolkiri and Ratanakiri, by maintaining its equipment and vehicles and sending staff on mission to the areas throughout 2003. In 2004, the authorities demanded the closure of the UNHCR Office in Ratanakiri. Whether the UNHCR Office in Ratanakiri remains open in 2005 would depend on the outcome of the negotiations with the Government in 2004.

In 2005, UNHCR Phnom Penh will pursue six main objectives. The first will be to provide international protection to refugees until the mechanism for government protection of refugees is established. The second objective will be to support the adoption of national refugee legislation/Government Decree on Refugees and Asylum and promote the establishment of a national refugee framework. The third one will be to initiate capacity building and awareness raising of the Government and civil society. The fourth objective will be actively ensuring durable solution for refugees. The fifth will be to strengthen relations with the Government to ensure protection of refugees within the broader context of migration and the sixth objective will be to improve partnerships with donors and NGOs for protection and resource mobilisation.