

COUNTRY OPERATIONS PLAN

Country: Cambodia

Planning Year: 2002

Executive Summary

a) Context and Beneficiary Population

Refugees and Asylum Seekers in Cambodia.

i) Political Context

Cambodia is currently enjoying a period of peace and stability, with the long-term war that has exhausted the country for 30 years now over since December 1998. This has meant, finally, an opportunity for the Royal Government of Cambodia to focus its attention on broader political and socio-economic improvements, such as governance, regional relations and the development of the economy. General elections were last held in 1998, at which time the current government was democratically elected after a long period of political tension which had erupted in factional fighting in July 1997. Despite periodic reports from human rights groups of political intimidation and violence against political activists a vocal opposition party exists, as well as several smaller parties, and democratic practice in Cambodia is increasing. In early 2002, the country's first ever commune elections are scheduled to be held, which, it is hoped, will prove a further significant step in the process of democratization. The next general elections are also due later in 2002.

ii) Security situation

The security situation in Cambodia overall has much improved since the end of the conflict in 1998, and travel to almost anywhere in the country is now considered viable. There remains a considerable risk from mines in certain specific districts and provinces of the country, mainly in border areas of the northwest. In Phnom Penh in particular, petty crimes are still common. Years of war have left many illegally held weapons in the country, and frequently newspapers report domestic quarrels and private disputes that have ended in the use of a hand-grenade or gun. Since 1999, the government has attempted to flush out many of these illegally held weapons, but it is widely-believed that many are still in the hands of private individuals all over the country.

iii) Presence of UN agencies and other implementing partners

There are numerous United Nations agencies working in Cambodia, as well as a UN Resident Coordinator. There is monthly coordination amongst heads of agencies. Importantly for UNHCR, there exists the Cambodia Office of the UN High Commissioner for Human Rights (COUNHCHR) with which UNHCR retains close relations on matters of mutual concern. A SRSG for Human Rights in Cambodia has also been appointed and he undertakes periodic missions to Cambodia. There are also many international organizations working in Phnom Penh and in the provinces, in all sectors. UNHCR's only implementing partner for work with refugees and asylum seekers is the Jesuit Refugee Services (JRS), which provides legal counseling to asylum seekers as well as counseling and material assistance to refugees.

iv) Beneficiary population

Although Cambodia receives a relatively small number of asylum seekers every year, the UNHCR Liaison Office in Phnom Penh was approached by 57 cases in 2000 which is approximately a 400 per cent increase over 1998 and 1999. This increase must, in part, be attributed to the increased peace and stability of the country. Other factors which have contributed to Cambodia's transformation from primarily a

refugee producing country to a refugee receiving one are the country's relatively porous borders and the political and religious tolerance enjoyed in Cambodia.

v) Protection issues

While previously most asylum seekers came from Viet Nam, there has been a notable increase in cases from other countries. Some asylum seekers have been smuggled to and deserted in Cambodia following agreements to be taken to Europe, North America or Australia. Due to the above, the reasons for flight, protection profile and prospects for return of the asylum-seeking caseload have become increasingly varied.

In February 2001, protests by ethnic minorities ("Montagnards") over land and religion in the Central Highlands of Viet Nam led to an influx of several hundred persons, who sought asylum in the border provinces of Ratanakiri and Mondolkiri. Deportation of several groups scattered in the two provinces was reported. UNHCR is providing temporary assistance to these populations, pending their eventual voluntary return to their country of origin, when conditions are conducive to such a solution.

vi) Policy issues

Durable solutions found during the course of the past few years have included local integration, repatriation and resettlement in a third country. With regard to local integration, Cambodia has a relatively open and tolerant society, with a free press, and a proliferation of civil society organizations (including a large number of human rights groups). Rights such as freedom of association and freedom of movement are generally upheld. Still, in the absence of an effective protection framework, the legal status of asylum seekers and refugees remains unclear. Nevertheless, the documents UNHCR provides to genuine asylum seekers and refugees are in general respected by the authorities and no known cases of refoulement of urban refugees has occurred in the last three years. .

vi) UNHCR role

The objectives of UNHCR's presence in Cambodia in 2002 are to ensure that all asylum seekers have access to a fair, comprehensive and expedient refugee status determination procedure, that the protection and assistance needs of refugees and asylum seekers are met and that durable solutions are found.

Cambodia is a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol but the Royal Government of Cambodia (RGC) does not have the capacity/mechanisms in place to undertake status determination, to provide assistance to refugees and asylum seekers, or to identify and implement durable solutions. . UNHCR has therefore been carrying out refugee status determination for those individual cases who apply for asylum in Cambodia, on the basis of its Statute. During 2002, UNHCR will continue with this responsibility, as well as providing material assistance and identifying durable solutions until such time as the RGC has the capacity to do so.

UNHCR's efforts towards the longer-term goal of handing over responsibility for asylum-seekers to the RGC will include continuing promotion with government counterparts, NGOs, human rights actors and the population in general, of an understanding of the obligations contained in the 1951 Convention and its 1967 Protocol. This will be carried out through workshops, awareness raising activities, seminars and training. . In addition to the activities described above, UNHCR will, in this regard, attempt to rally donor and other support for having RGC assuming full responsibility under the 1951 Convention especially through adoption of the required

national legislation. . Ultimately, UNHCR aims to assist the RGC on a more technical level to establish a refugee unit within the Ministry of the Interior through which all asylum claims can be fairly and competently processed.

(b) Selected Programme Goals and Objectives

Name of Beneficiary Population/theme: Refugees and Asylum Seekers to Cambodia	
Main Goal(s): To ensure the international protection of refugees and asylum seekers and their access to fair status determination and the most appropriate durable solution.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Asylum-seekers in Cambodia have access to RSD until the RGC is able to manage the process without UNHCR assistance. • Technical competence of the Government to enact refugee legislation and conduct RSD without UNHCR assistance, is achieved. • A more conducive environment for local integration of refugees is created. • Sufficient political will to address refugee and asylum issues is created. 	<ul style="list-style-type: none"> • All asylum-seekers arriving in Cambodia are met, interviewed, and their status determined in a fair, comprehensive and timely manner. • Trainings, workshops and/or seminars are conducted as necessary. Government officials responsible for legislative measures or reception of asylum-seekers and RSD procedure and having attended such training are able to carry out these tasks transparently and competently. • The Government issues work permits and travel documents, permits indefinite stay and, ultimately, consider naturalization of refugees. • Legal and administrative steps are undertaken by the Government to provide improved protection for asylum seekers and refugees, ultimately through the enactment of an adequate law.