

COUNTRY OPERATIONS PLAN

Country: China

Planning Year: 2002

Part I: Executive Committee Summary

The Office of the UNHCR Chief of Mission in Beijing, China was established in 1979. The Office was upgraded to a Branch Office in 1995 and to a Regional Office in 1997 after the return of Hong Kong to China. The UNHCR Regional Office covers Mongolia and the Democratic People's Republic of Korea. The UNHCR Sub Office in Hong Kong Special Administrative Region reports to the Regional Office in Beijing with regard to UNHCR's interests and activities in the Hong Kong and Macau Special Administrative Regions.

(a) Context and Beneficiary Populations

The UNHCR Regional Office provides international protection for and assistance to individual refugees and asylum seekers of various nationalities within the sub-region. These activities are undertaken pending the adoption of national refugee legislation and formal refugee status determination procedures within the sub-region.

The Regional Office and its Sub Office in Hong Kong SAR endeavours to achieve durable solutions for individual refugees principally through resettlement, and for Vietnamese refugees through local integration and the expectation of naturalisation, or voluntary repatriation. The Regional Office actively promotes the protection of refugees and the global aims and programmes of UNHCR through: the advocacy of accession to the international refugee instruments, and/or related legislation and capacity building; the monitoring of compliance with internationally accepted asylum practices; and the pursuit of public awareness, including public and private sector fund raising activities.

The Regional Office's 2002 programme will be structured around four beneficiary populations or themes and related goals comprising: i) individual refugees and asylum seekers; ii) vietnamese refugees in south China; iii) promotion of refugee protection; and iv) external relations, public awareness and fund raising.

i) Individual refugees and asylum seekers

UNHCR's goal is to improve international protection for, and provide essential assistance to, refugees and asylum seekers, and to seek durable solutions for refugees in Mainland China, Hong Kong SAR, Macau SAR, and Mongolia.

The protection and durable solutions environment for some 70 urban refugees and asylum-seekers in Mainland China and a further 50 individual cases in Hong Kong SAR remains constrained by restrictions on refugee employment and education; the absence of local integration possibilities; and limited resettlement opportunities. In the context of this constrained environment the budgetary implications for assistance to the urban caseload are significant. The situation of North Korean asylum-seekers remains of particular concern.

UNHCR will continued to be actively engaged in refugee status determination for asylum seekers and the provision of assistance for individual refugees while advocating access to employment and searching for durable solutions, including the promotion of resettlement, and regular migration as an alternative to resettlement where feasible. These efforts will prioritise individuals with security concerns, the medically at risk, the vulnerable, family reunion and long stayer cases. Concerning North Korean asylum-seekers, a constructive dialogue with the Chinese authorities and other concerned governments will be further pursued, to establish closer understanding and co-operation towards approaches that would address issues such as refoulement and the provision of international protection to genuine asylum-seekers.

Efforts to identify and implement measures to further reduce care and maintenance costs without impinging on the quality of protection will also be continued in Mainland China and in Hong Kong SAR.

ii) Vietnamese refugees in South China

UNHCR's goal is to achieve durable solutions for Vietnamese refugees principally through local integration and naturalisation and through voluntary repatriation for those who wish to return to their country of origin, with a view to UNHCR's withdrawal within three years.

After more than 20 years of government and UNHCR sponsored assistance, the majority of the 292,000 Vietnamese refugees in Mainland China have achieved self-reliance. 1999 marked the final year of grant assistance towards the Revolving Fund Based Credit Scheme (RFBCS) which continues to target employment opportunities for some 30,000 refugees in 6 southern provinces who remain below respective provincial poverty margins. In light of the uncertain investment climate a moratorium on new loans was extended throughout 2000 and the first half of 2001 and a consolidation of the Fund's income was undertaken. During this period UNHCR assisted towards the development of a framework aimed at enhancing the viability and sustainability of the future-revolving phase of the RFBCS. It is envisaged that this framework will constitute the basis for UNHCR's continuing operational partnership with the Ministry of Civil Affairs beyond 2001 which will include technical and management advice, training as well as the joint selection, monitoring and evaluation of RFBCS sponsored projects.

It is expected that the vast majority of Vietnamese refugees will remain in China. However, a small number have reportedly expressed their wish to return to Viet Nam. UNHCR will continue to collaborate with the Vietnamese and Chinese Governments on the voluntary repatriation of such persons who wish to return to Viet Nam, and pursue the granting of citizenship for those who want to remain in China. UNHCR envisages that a tripartite consultation process will be established to agree on and coordinate voluntary repatriation modalities.

iii) Promotion of refugee protection

UNHCR's goal is to promote the establishment and effective implementation of national legislation and procedures which comply with international protection standards in Mainland China, Hong Kong SAR, Macau SAR, and Mongolia.

Since 1998, China has proceeded steadily towards the enactment of national refugee regulations incorporating refugee status determination procedures. During 2000 through April 2001, draft legislation was pending joint ministerial clearance prior to submission to the State Council for adoption. As a signatory to the 1951 Refugee Convention and 1967 Protocol, China has not extended the application of these instruments to Hong Kong SAR, although it has done so in regard to Macau SAR. Neither Region has a legal framework governing the practice of asylum. However, both SAR authorities observe the customary law principle of non-refoulement and permit UNHCR access to asylum seekers. During 2001, the Government of Mongolia actively pursued the implementation of a Cooperation Agreement with UNHCR as a precursor to its commitment to accession to the 1951 Convention.

During 2001-2 UNHCR will seek to provide further advice to the Chinese Government on the draft refugee regulations to be adopted. UNHCR will also promote the extension of China's accession to the 1951 Convention to Hong Kong SAR. It is envisaged that Mongolia will also progress towards accession. In conjunction with the promotion of accession, UNHCR will assist these Governments in developing and implementing refugee status determination procedures.

In China and Mongolia the Office will continue networking with universities, legal associations and advocacy groups, focusing on the rights of refugees and asylum-seekers and the dissemination of refugee law. Training in refugee rights and refugee status determination for government officials, including civil affairs, immigration, public security officers and border police, will be further institutionalised.

UNHCR will continue to monitor developments in the sub region through various sources, including UNHCR's representative offices and non-governmental organisations in asylum countries, and relevant advocacy constituencies. UNHCR will also continue to provide training in emergency preparedness and contingency planning through workshops and seminars within and beyond the sub region for governmental and non-governmental counterparts, principally as a means of building consultative constituencies and developing early warning, planning, and response capacities. Cross-regional meetings to facilitate information exchange and joint planning with UNHCR's Field presence in neighbouring countries are also envisaged.

iv) External relations, public awareness, and fund raising

UNHCR's goal is to enhance understanding of, and support for, the global aims and programmes of the Office, and to raise awareness of refugees, their rights, problems and contributions.

UNHCR's awareness activities in 2000-1 focussed mainly on the recognition of the 50th Anniversary of the foundation of the Organization and the Convention respectively, through milestone ceremonial events. From 2002, the RO's principal annual visibility focus will be on refugee day. A multi-faceted external relations approach will progressively engage civil society interactively through the world-wide-web and internet interface and the UNHCR image will be presented more extensively in print and the electronic media. Contacts with academia, universities, schools, and human rights/socio-cultural institutions and the NGO community will likewise be expanded. A private sector fundraising strategy will be developed and implemented in the course of 2002 in Hong Kong and possibly Macau SAR. The potential private market sector market will also be explored in Mainland China, while UNHCR will continue to seek higher levels of contributions from the Government of China towards UNHCR's global programmes in cash, and in kind.

Inter-agency co-operation and linkages with other country operations The Regional Office actively participates, as a UN Country Team member, in the United Nations Development Assistance Framework processes for China and Mongolia. The Regional Office also remains in contact with United Nations agencies and governmental and non-governmental organisations that are operational or otherwise represented in North Korea. With regard to the prospective voluntary repatriation of Vietnamese refugees from China to their country of origin, the Regional Office will continue to extend its good offices to the concerned governments in close collaboration with the Regional Office in Bangkok. The Regional Office will also maintain regular communications through cross-regional meetings with Field Offices in neighbouring sub-regions including South Asia to facilitate periodic information exchange, strategic planning, and the sharing of training expertise. As the only UN agency resident in Hong Kong SAR, the UNHCR Sub Office will continue to provide liaison and mission support services for sister UN agencies.

(b) Selected Programme Goals and Objectives

Beneficiary Population 1 : “Individual refugees and asylum seekers”	
<i>Goal 1: To improve international protection for, and to provide assistance to, refugees and asylum seekers, and to seek durable solutions for refugees, in Mainland China, Hong Kong SAR, Macau SAR and Mongolia. (Sub-goal: In Mainland China, Hong Kong SAR and Macau SAR, to further reduce care and maintenance costs of the urban caseload without impinging on the quality of protection).</i>	
Principal Objectives	Related Outputs
<p><u>Objective 1.1.</u> To improve access to, and the quality of, asylum for individual refugees.</p> <p><u>Objective 1.2.</u> To prioritise long-stayers concerning quality of asylum and durable solutions.</p> <p><u>Objective 1.3.</u> In HK SAR, to minimise RSD processing time to avoid backlogs and to limit care and maintenance costs to most needy genuine asylum seekers and refugees.</p> <p><u>Objective 1.4.</u> To reduce resettlement processing time through new strategies and approaches.</p> <p><u>Objective 1.5.</u> To monitor developments in the sub-region.</p>	<ul style="list-style-type: none"> • Agreement of the respective Governments to introduce more flexible asylum policies. • Agreement of resettlement countries to process/accept long-stayer cases for resettlement (or migration). • RSD decisions are taken on average within 2 weeks; and assistance targeted to the most needy. • New strategies and approaches to be identified and agreed with HQs, Embassies and Consulates • Reports from Field Offices and UN, NGO and advocacy groups within the sub-region and neighbouring sub-regions on country of origin and country of asylum conditions; situation synthesis and analysis.

Beneficiary Population 2 : “Vietnamese refugees in South China”

Goal 2: *To achieve durable solutions for Vietnamese refugees principally through local integration, and naturalisation, and through voluntary repatriation for those who wish to return, with a view to UNHCR’s withdrawal within 3 years.*

Principal Objectives	Related Outputs
<p><u>Objective 2.1.</u> To ensure sustainability and credibility of the revolving fund as a positive beacon of the UNHCR/PRC relationship in order to provide durable solutions for Vietnamese refugees through local integration and naturalisation.</p> <p><u>Objective 2.2.</u> To reach consensus with the Chinese Government regarding the timing and modalities for the granting of citizenship to Vietnamese refugees who wish to remain in China.</p> <p><u>Objective 2.3.</u> To progress towards tripartite understanding with the concerned governments leading to concrete modalities and an agreed time-frame for voluntary repatriation of Vietnamese refugees to their country of origin.</p> <p><u>Objective 2.3.</u> To identify any obstacles to, or discrimination in, the local integration of the residual CPA refugee population in Hong Kong SAR.</p>	<ul style="list-style-type: none"> • Loans extended to provinces are repaid and reinvested in a timely and sustainable manner and the overall liquidity and viability of the RFBCS is preserved, through improved management. • Definitive understanding through bi-lateral consultations with the Government of China on citizenship modalities and time frame. • Trilateral meetings with the governments of China and Viet Nam on acceptable approaches, outcomes and modalities. • Local integration monitored, directly and indirectly; advocacy exercised as required.