



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Regional Operations Plan 2007

covering

**Indonesia, Brunei Darussalam,
the Philippines, Singapore, and
Timor-Leste**

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Part I: OVERVIEW

1. Protection and socio-economic operational environment

The operational environment for refugee protection in the five countries covered by this Regional Operations Plan varies from country to country, but the common feature is that there are currently only small numbers of asylum-seekers and refugees living in urban areas in the region with the exception of Brunei which has none. The Philippines and Timor-Leste (with reservations) have both ratified the 1951 Convention and the 1967 Protocol, and UNHCR is promoting accession in Indonesia, Brunei Darussalam, and Singapore. Indonesia is the only country amongst the three, which has formally declared its intention to ratify the international refugee instruments in its National Plan of Action for Human Rights 2004 to 2008. While only Timor-Leste has enacted a specific law on refugees, in the Philippines and Indonesia the Governments have issued administrative regulations under the prevailing Immigration Laws which constitute a basic framework for the protection of asylum-seekers and refugees. No special provisions have been issued in Brunei or Singapore and the protection of asylum-seekers and refugees arriving there is therefore dependent on *ad hoc* arrangements. Ensuring adequate protection is further weakened by the fact that UNHCR does not maintain a presence in these two countries. There are situations of internal displacement in some countries, and various UN agencies are involved in assisting governments to address the humanitarian aspects. There are also issues of statelessness in the region and UNHCR will seek to get a fuller understanding of the scope of the problem. Current migration trends in the region indicate outward migration of labour migrants mainly from Indonesia and the Philippines to Malaysia, Singapore, Thailand and countries in the Middle East. The migratory flow towards Australia which also impacted Indonesia especially in 2000 – 2001 has significantly reduced. With the exception of Timor-Leste all the countries covered by the Regional Representation in Indonesia (RRI) are members of ASEAN in which Indonesia – as host country for the ASEAN Headquarters – and the Philippines play very active and prominent roles.

In **Indonesia**, the transition to a stable democracy in the world's fourth most populated country is gradually taking root accompanied by an upswing in economic growth. There is also a new and increased awareness and attention to human rights issues and a commitment to end the previous decades' legacy of impunity for human rights violations including important reforms of the army and police force. The Government is also taking steps to eradicate corruption through, for example the House of Representatives having ratified in March 2006 the 2003 UN Convention against Corruption. In August 2005, following the devastating tsunami of December 2004 and consequent massive loss of life, the Government and the Free Aceh Movement (GAM) agreed to a comprehensive settlement to the 30-year old conflict and invited an international monitoring mission fielded jointly by the European Union and ASEAN member states to supervise the implementation of the agreement. In other parts of Indonesia, there continue to be occasional outbreaks of sectarian or politically motivated violence, notably in Papua, Sulawesi and Maluku Islands which – at times – give rise to situations of temporary internal displacement of communities. With regard to the presence of asylum-seekers and refugees in the country, the Government has come to rely on UNHCR to manage all aspects, including the search for durable solutions other than local integration. A new solutions-oriented initiative has been started by UNHCR in 2006 in order to seek an end to the protracted situation of hundreds of Afghan and Iraqi nationals – many of whom have now stayed in Indonesia for 4-6 years – and it is expected that this initiative will have to continue into 2007.

In **the Philippines**, the political environment, under which UNHCR operates and refugees live is generally very supportive of UNHCR's work, but remains complicated by the government's preoccupation with domestic issues, such as the unstable national economy, terrorism, national security, and the contested results of the presidential election in 2004. Continued challenges adversely influenced and significantly delayed government decision making and legislation processes. Economic and living conditions remained difficult for much of the population. Peace talks with the Communist Party of the Philippines/National Democratic Front and the Moro Islamic Liberation Front remained suspended. In spite of this, the Philippines remains committed to not only further developing its asylum regime and providing support and protection to refugees, stateless persons and other persons of concern, but also supporting UNHCR advocacy for refugees and its objectives within regional and international fora. UNHCR will promote and monitor the implementation of the 1951 Convention and aim to institutionalize the current favorable refugee policy into a more cohesive national legal framework and build the capacity of the government to undertake refugee status and statelessness determination. Through its implementing partner, UNHCR is providing support in the initial integration phase for newly recognized refugees. UNHCR will also monitor the situation in Mindanao, and offer its technical expertise to support any humanitarian action initiated by the United Nations Country Team.

In **Timor-Leste**¹, which became independent officially on 20 May 2002 and is the latest State to have joined the United Nations, huge challenges remain for the international community to support the social and economic development of the country – which ranks in 140th position on UNDP's Human Development Index. With the gradual reduction of the UN presence in the country, the continuation of development projects is sustained by bilateral aid programs but progress is slow and difficult and hampered by the lack of qualified human resources. A recent agreement with Australia on revenue sharing from off-shore oil exploration in the Timor Sea is expected to boost national investments in improvements to infrastructure and public services. As an immediate neighbour to Australia, it was initially thought that the country may see the arrival of migrants using the country as a transit hub on their way to Australia but this has not materialized. Concerns about the risk of destabilisation of Timor-Leste from some of the approximately 28,000 former East Timorese, who opted for Indonesian citizenship and settled mainly in West Timor, have waned in the wake of the more troubling recent internal events since April 2006. UNHCR is providing direct assistance to the asylum-seekers and refugees in the country and is supporting the Immigration Police to develop the skills and knowledge required in order to implement the refugee legislation.

Singapore is experiencing an economic upswing. Politically, the country has been governed by the People's Action Party since 1959. The Government, conscious of the "attraction" the country may pose to would-be economic migrants from poorer countries, has put in place a series of measures to curb illegal migration and stiff punishment is imposed for anyone providing support to a foreigner who is staying illegally in the country. This environment makes it very difficult to engage the Government or civil society on refugee issues. UNHCR is covering Singapore by missions from its Jakarta Office and through the work of an Implementing Partner.

Brunei continues to be ruled by the same family for the past 600 years. The country is presently governed under a set of emergency powers that gives sweeping authority to the Sultan. Very strict punitive measures have been introduced to combat trafficking and illegal migration which seems to have acted as a major deterrent for any would-be asylum-seekers. UNHCR covers Brunei from its Jakarta Office.

¹ The IDP emergency situation in Timor-Leste, which began at the end of April 2006, and UNHCR's response to it are not part of this ROP.

2. Operational goals and potential for durable solutions

An analysis of the protection situation in the five countries indicate that ensuring asylum-seekers admission to the territory, access to a fair and efficient refugee determination procedure and protection against refoulement must remain a core priority for UNHCR's objectives in the region. The legal protection must obviously also be accompanied by arrangements which ensure proper treatment of asylum-seekers and refugees, notably a possibility to access work to secure basic means for their existence or financial support and access to basic public services, in particular in the areas of health and education. Ideally, this should be through public services, but where this is not possible it needs to be complemented by individual assistance and services provided by implementing partners on behalf of UNHCR. Assistance programs will be developed in consultation with the refugee community and will be sensitive to the gender and age diversity in the population. In order to maintain a humanitarian space for refugee protection, UNHCR must also continue to pursue the search for durable solutions. While local integration is the preferred solution for refugees in the Philippines and Timor-Leste, authorities in Indonesia and Singapore have come to expect that only resettlement can be considered as a solution for recognized refugees. Through continued engagement and dialogue, UNHCR will work toward broadening the scope for solutions to also include local integration for refugees who have developed closer links through marriage or de-facto integration.

A second core priority is the development of protection capacities in the five countries so that the Government and administrations themselves are able to gradually take full ownership of the management of refugee affairs with UNHCR playing a supportive, rather than central, role. This includes the promotion of appropriate legal and administrative frameworks, which at the highest level is about accession to the international refugee instruments (for Indonesia, Singapore and Brunei), at the mid-level is about developing refugee legislation and/or a set of administrative regulations and procedures which clarifies roles and responsibilities for the management of refugee affairs (Timor-Leste, Indonesia and the Philippines), and at the lowest level is about developing cooperative arrangements which progressively engage, involve and empower the responsible administrative units in the management of refugee affairs. The development of knowledge and skills among officials directly involved in refugee and immigration matters is also a core component of the strategy.

As the refugee debate in most countries is absorbed in discussions around measures to combat illegal immigration, UNHCR will take an active part in this debate and offer support and constructive solutions-oriented approaches.

With UNHCR's responsibility for addressing issues concerning stateless persons and the new role it has been assigned in the area of protection, shelter and camp-management of conflict-induced IDP-situations, a third priority in the region is to expand UNHCR's network with other UN agencies, regional institutions and national bodies in order to promote analysis and exchange on issues of statelessness, IDPs and other humanitarian issues including emergency management.

A final priority for the region is to consolidate and further develop a constituency which understands and supports the principles of refugee protection and the activities of UNHCR in the region. Building a strong constituency is particularly important in order to support accession and the development of national asylum systems. The developments, particularly in Indonesia, seem to present new opportunities although it will require sustained engagement in the period leading up to accession discussions scheduled for 2008.

The operational goals for this region have been developed based on the above analysis and also drawing on the Regional Strategy developed for the Asia-Pacific region and the Global Strategic Objectives (GSO) for UNHCR set by the High Commissioner.

The following goals have been developed for the countries in the region:

**Protection and Solutions for Urban Refugees and Asylum Seekers
(Bureau Pillar 1 and 2 – GSO 1 and 3)**

- 1 Asylum seekers have access to present their claim for protection and have it considered in a fair and efficient procedure in accordance with international standards.
- 2 Refugees are able to meet basic needs and have access to medical and psycho-social assistance, education for their children and other forms of assistance according to their individual needs and vulnerabilities.
- 3 Refugees and persons covered under temporary protection arrangements are assisted to find a durable solution to their situation (Indonesia and Singapore).

**Development of Protection Capacities
(Bureau Pillar 1 – GSO 2)**

- 1 Government authorities develop knowledge, skills and capacities on refugee management and engage in closer collaboration with UNHCR regarding the operational aspects of registration of asylum-seekers and in procedures for determination of refugee status.
- 2 Key policy makers within the Government and influential persons and institutions within civil society develop a more positive attitude towards supporting accession to the 1951 Convention (Indonesia).
- 3 Selected Universities consolidate a refugee law component within a broader curriculum on Human Rights.

**Strengthening cooperation on humanitarian issues
(Bureau Pillar 1, 3 and 5 – GSO 4)**

- 1 A network is established among relevant UN agencies, regional institutions and national bodies and interlocutors in order to promote analysis and exchange on key humanitarian issues, including statelessness, IDPs and situations of forced migration, as well as to enhance understanding of relevant international standards and mandates of UNHCR and other international organizations (Indonesia and the Philippines).
- 2 Further consolidation of UNHCR's partnership with the ASEAN Committee on Disaster Management (ACDM) to assist ASEAN countries in the development of their regional emergency response capacity and reinforce linkages between key national actors involved in disaster management and UNHCR offices in ASEAN countries.

**Raising public awareness on refugee issues and support for UNHCR
(Bureau Pillar 4 – GSO 5)**

- 1 Growing understanding among media and the general public about refugee situations, the international legal principles and UNHCR's activities.

- 2 Contacts developed with private companies and influential individuals within civil society with a view to solicit political and financial support for UNHCR's activities worldwide (Indonesia, the Philippines and Singapore).

Part II: COMPREHENSIVE NEEDS AND PARTNERSHIP

1. Outcomes of joint planning and management of identified gaps

Indonesia: In the absence of national legislation or any administrative mechanism to deal with refugees or asylum seekers in Indonesia, UNHCR currently fills this role covering all aspects of protection activities from registration of asylum-seekers, determination of refugee status, providing assistance and organizing access to services for recognized refugees as well as vulnerable asylum-seekers and – ultimately – search for an appropriate durable solution. As part of UNHCR's efforts to promote Indonesia's accession to the 1951 Convention, UNHCR will seek a gradual and progressive involvement of key government interlocutors in the management of refugee affairs – but the authorities will continue to count on UNHCR providing adequate financial support for an assistance program.

As part of Age, Gender and Diversity mainstreaming, a multifunctional team including RRI's implementing partners - Pulih Foundation and PMI (the Indonesian Red Cross) - was established and has pursued a rights-based approach in assessing needs and implementing programs. Regular monthly meetings are held with refugees' representatives in order to identify gaps in needs/rights of women, elderly and children and possible avenues to address these and with special attention to the psycho-social and specific protection risks associated with women and men of different ages and backgrounds, including measures to prevent sexual and gender based violence (SGBV) and HIV/AIDS.

In **the Philippines**, one of the main gaps is in the current asylum procedure. Implementing regulations need to be further strengthened in order to address significant delays in the resolution of pending asylum cases and more adequately consider age, vulnerability and gender issues as well as the situation of stateless persons. Reception standards and facilities and social support networks, especially for asylum seekers, need to be strengthened. Local integration initiatives for refugees also need to be strengthened by addressing gaps and identified restrictions in the legal and policy framework.

The needs and concerns of refugees and asylum seekers were identified in discussions with Government counterparts, senior staff of UNHCR's implementing partner and through individual case management plans, periodic monitoring visits and participation in group activities relating to durable solutions and social protection mechanisms. UNHCR directly coordinates with government line agencies and various institutions to address issues on refugee protection, statelessness and internal displacement. A network of NGOs, INGOs and public/private institutions provide complementary, additional and separate support or psychosocial, legal and other services. NGO networks addressing human rights and forced displacement issues undertake complementary or joint advocacy activities with UNHCR.

In **Timor-Leste**, the Government is very supportive of UNHCR's work but also counts on UNHCR to assist its administration in the management of refugee affairs and in providing refugees and asylum-seekers with basic means of subsistence. IOM and Australia is also providing support to the Government on migration management issues. At the end of 2005, UNHCR terminated its involvement for former East Timorese in Indonesia and also its involvement in any further returns

from Indonesia. Any needs for assistance to former refugees are now being addressed within broader development-oriented programs led by UNDP, UNICEF, UNFPA and WFP as returnees are fully integrated.

In **Singapore and Brunei**, the main gap is a lack of recognition by the two Governments of the importance and need to ensure adequate arrangements are in place for the timely identification and protection of genuine asylum-seekers within the broader group of migrants in these countries. Development of close relations and elaboration of practical confidence-building measures remain constrained by the fact that UNHCR does not maintain a permanent presence in these countries.

2. Comprehensive needs and contributions

In **Indonesia**, UNHCR is managing all aspects of the protection and assistance needs of asylum-seekers and refugees. The only exception is the assistance needs of Iraqi and Afghan nationals stranded in the country for many years who are granted temporary protection in Indonesia. The upkeep of this group is under a program implemented by IOM. The Government is not providing any direct contribution to the refugee program, but indirectly is contributing through the work of immigration officers, police and security personnel as well as by allowing refugees access to public schools and health facilities. In 2007, funds are in particular required for promotional protection activities in order to support accession to the 1951 Convention and for capacity-building activities to progressively engage the authorities in joint management of refugee affairs.

UNHCR's main implementing partners for the urban refugee project are local NGOs whose contribution towards the program is mainly, in the case of Pulih, their expertise in the psychosocial area, and for PMI, their health network which allows for health assistance to be provided to the urban refugees at very low costs.

In **the Philippines**, UNHCR is providing initial support for the integration of newly recognized refugees as well as assistance for legal and psychosocial services to facilitate access to assistance and durable solutions. Support for local integration initiatives, particularly naturalization, self-reliance and access to social protection mechanisms, in the form of legal and financial support is also needed. Funds are also required for undertaking capacity-building initiatives in support of UNHCR's objectives to further consolidate the national policy framework for the management of refugee affairs. Several NGOs provide pro bono services for legal services to refugees and asylum seekers. Other institutions generally provide complementary social services and psychosocial assistance at reduced costs or on a pro bono basis. Refugee support groups and various institutions generally provide assistance to asylum seekers and fellow refugees for housing, subsistence, transport and living expenses, as well as facilitation of local integration opportunities leading to self-sufficiency or employment. Costs for capacity-building initiatives are supported by various government agencies and institutions who contribute support for transport, personnel, services and venue for training activities. NGOs and legal aid institutions also cover partial costs for training activities.

In **Timor-Leste**, UNHCR is providing financial support to asylum-seekers and refugees in order to meet their basic needs. UNHCR is also funding capacity-building initiatives for the new administration tasked with involvement in refugee affairs. UNHCR will cooperate with IOM and UN Agencies on joint activities in order to optimize its outreach in the most cost-efficient manner. The Ministry of Health has also granted asylum-seekers and refugees free access to Government health facilities.

In **Singapore**, funds are required for a national NGO (Catholic Welfare Services) which assists asylum-seekers referred by Immigration authorities or Embassies in Singapore to have their claim assessed by UNHCR protection staff and, for those found to qualify for refugee status, with identifying a resettlement country willing to accept them, as well as for promotional activities.