



**UNHCR**

**United Nations High Commissioner for Refugees**

Haut Commissariat des Nations Unies pour les réfugiés

# **Country Operations Plan 2007**

## **VIET NAM**

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## **Part I: OVERVIEW**

### **Protection and socio-economic operational environment**

1. UNHCR and Vietnam continue to enjoy a close working relationship, the hallmark of which being the successful implementation of the CPA and the conclusion of the Tripartite MOU with Cambodia, Vietnam and UNHCR in 2006 as a practical tool in addressing the Montagnard issue in the Central Highland. In this context, a large number of micro-projects were implemented to assist in the re-integration of the returnees both in the South and in the Central Highlands. Following the closure of the CPA, UNHCR's operations and presence in Vietnam were scaled down. In 2006, UNHCR attempted to reinstate an international presence by assigning an international staff to head the office in Hanoi, but it was not well accepted by the SRV authorities. As a compromise, it was agreed that regular missions by an international staff member from the Regional Office in Thailand will be accorded. Vietnam remained neither party to the 1951 Convention, nor to the Statelessness Conventions. There is still no national asylum procedure or administrative focal point to process such requests. Hence, UNHCR was also unable to process asylum cases under its mandate.
2. 2,360 Cambodian refugees continue to live in 4 camps set up by UNHCR in the late 70's in southern Vietnam. The possibilities of any long term durable solutions either through repatriation or resettlement is not in the offing and they remain in a vulnerable situation due to their stateless situation. The total number of Cambodian refugees facing the same predicament is estimated at some 10,000. Some years ago, Vietnam was leaning towards the naturalisation of this group, but the process did not take off in earnest. UNHCR is committed to support this important move towards a durable solution and assist the Ministry of Justice in this endeavour. For the last two years, UNHCR allocated more than US\$ 180,000 to implement micro-projects. Four micro-projects benefiting the group were carried out in 2005/2006 through the Ministry of Labour, Invalids and Social Affairs (MOLISA).
3. Following the difficulties encountered in September 2001, some 1,100 Montagnards from the Central Highlands fled to Cambodia, with more trickling into Cambodia in 2004 and continued to persist into 2005.
4. These asylum-seekers were processed for resettlement, since Cambodia clearly stated that their extended stay in the country of asylum was not an option. Vietnam strongly and publicly objected to UNHCR's involvement, thereby re-igniting a very difficult chapter in relations both with Vietnam and Cambodia. UNHCR steadfastly conveyed the message that asylum was not an unfriendly act and tried to expand the range of negotiation options, inter alia, by advocating an orderly departure programme for family reunion cases. The international community's support was sought for approaches addressing the root causes of the problem, including development and education projects that would mitigate the causes of the flight. The interest generated by bilateral aid projects in the Central Highlands is encouraging. UNHCR has also made it clear that it is not in a position to address land tenure or restitution problems, which are often cited by asylum-seekers as the main reason for leaving Vietnam.
5. Throughout, channels of communication with Vietnam were kept open, through regular visits to Hanoi. By the end of 2004, a consensus was gradually building among all

stakeholders that the way forward was in the revival of the tripartite consultations. The proposal submitted by UNHCR elicited a very rapid and positive reply both from Cambodia and Vietnam. This led to the conclusion, on 25 January 2005, of a tripartite Memorandum of Understanding (MOU). While the MOU deals primarily with the group of 750 Montagnards in Phnom Penh, it recognizes that similar principles will apply to new arrivals. The Agreement institutionalizes temporary protection in Cambodia; determines the parameters for return; offers protection-based solutions and a predictable operational framework; opens for the future the possibility of access to the Central highlands; sets realistic timeframes for resettlement and formally recognizes the latter as a durable solution; acknowledges that more Montagnards are likely to come to Cambodia and includes a written commitment from Vietnam that returnees will not be prosecuted or discriminated on account of their illegal departure. The MOU is an important step forward in removing a counterproductive deadlock and generating a much needed confidence-building process. The MOU stipulates that the Vietnamese Government and UNHCR “will consult and cooperate on visits to returnees”. It also leaves the door open to future assistance projects in the Central Highlands. While encouraging, this statement falls somewhat short of UNHCR’s expectations. The challenge is now to turn this statement of intentions into a tangible reality.

6. The MOU represents a determined effort by UNHCR to promote durable solutions, i.e. voluntary repatriation or resettlement. It aims also at involving the country of origin in the attainment of these solutions and therefore carries the expectation that root causes could also be addressed. In a parallel effort to focus on expanded assistance in the Central Highlands, as well as continuous support from resettlement countries, UNHCR is also seeking to frame the MOU within a Convention Plus approach.
7. Although the validity of the MOU is supposed to have ended, UNHCR is able to continue its activities under the framework and understanding of the MOU both in Cambodia and Vietnam. Regarding the naturalisation of Cambodian refugees referred to earlier, the problem continued as highlighted previously. First, applicants need to secure a certificate confirming that they have renounced their former nationality (which appears difficult to obtain from the Cambodian authorities) and second, applicants have to pay a fee of \$ 50 to be eligible for Vietnamese nationality, an amount which is unaffordable to most of the refugees. This problem has been neglected for too long and it is one with respect to which UNHCR will continue to play a meaningful role, not least in promoting a tripartite dialogue.
8. Besides these refugees, other groups in Vietnam which remain stateless and have so far attracted little attention. Some 13,000 Cambodians and ethnic Vietnamese who were living in Cambodia for generations but had to flee to Vietnam during the Khmer rouge era. They were mainly fishermen from the Tongsleap Lake and have so far been unable to prove their nationality, mainly because of lack of documentation. In addition, thousands of Vietnamese women have become stateless, due to conflict in the application of nationality laws, i.e. being unable to acquire a new nationality after having renounced their Vietnamese citizenship. These largely overlooked issues and the complexities involved are by no means undeserving ones. Besides its technical expertise, UNHCR could play a mediation role between States. This has effectively done in other situations to solve similar problems. However, progress in this important area is predicated on three conditions, i.e. the establishment of a cooperative climate with Vietnam; the latter’s receptiveness to UNHCR’s mandate and recognition of its added value and last but not least, a determined approach by UNHCR to seize opportunities that its statelessness mandate may provide in this region. All of which can only be achieved through time and negotiations.

## **Part II: COMPREHENSIVE NEEDS AND PARTNERSHIP**

### **1. Outcomes of joint planning and management of identified gaps**

The donor community through its bilateral relations with the host government has played a very important role in engaging the SRV Government to recognize UNHCR's unique role as a partner in problem solving regarding issues related to Montagnards. This was evident following the conclusion of the Memorandum of Understanding in January 2005 followed by the government agreement to allow UNHCR access to monitor returnees and implement micro-projects in the Central Highlands. In addition to finding solutions for the Montagnards issue, UNHCR also worked closely with the Ministry of Foreign Affairs in addressing issues such as statelessness and refugee laws promotion.

### **2. Comprehensive needs and contributions**

#### **a) Contributions by the host government, refugee and/or local communities.**

N/A

#### **b) Financial contributions of partners**

- To effectively facilitate the naturalization process of the statelessness in Vietnam, UNHCR will contribute an amount of US\$ 50,000 as administrative support to the Working Group on Statelessness, which will be set up in 2006.

- To continue financing micro projects for the improvement of infrastructure in the returnee areas in the Central Highlands. For this, UNHCR will contribute a symbolic amount of US\$ 50,000 for implementation of 2 projects.

- To continue providing training/promotion of refugee law to officials in the capital and at the provincial level, it is estimated that US\$ 30,000, will be required to conduct 2 workshops for Vietnamese officials in 2007.

Needs-based budget for the country operation	Total (all figures in US \$)	130,000
of which, estimated	UNHCR	130,000
	WFP (where applicable)	N/A
	Operational partners	N/A
	Implementing partners	N/A
	Unmet needs	