



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2007

JAPAN

Part I: Overview

1. Protection and Socio-Economic Operational Environment

1.1 Overall

UNHCR is a part of the fabric of United Nations representation in Japan and housed within the premises of the United Nations University. UNHCR first opened offices in Tokyo in the late 1970's with the focus of its programme supporting Japan as the UNHCR's second largest donor. Japan has since also developed the profile as a humanitarian leader for the Asian-Pacific region.

The combination of economic pressure on Japan's current domestic fiscal profile and the significant assessed contribution of Japan for the UN have led to a steady decline in Japan's voluntary contributions to the United Nations and to UNHCR specifically. However, Japan has expressed its interest to contribute to policy development within the UN by advocating the concepts of "Human Security" and "Peace Building" and as well taking an active role in the UN reform discussion.

UNHCR is supporting Japan's interests by its endorsement of both the "Human Security" and "Peace Building" agenda and the advocacy of Japan becoming an even greater strategic partner of UNHCR. In this vein UNHCR has actively supported Japan's interests to promote the NGO sector and the overall visibility of Japan's humanitarian support to UNHCR and the displacement agenda.

UNHCR Tokyo's main objectives summarized are: (a) to strengthen international protection to persons of concern and support the establishment of a resettlement programme in Japan; (b) to promote and advance the relationship among the government, UNHCR and the NGO and development sectors; (c) to gain higher visibility and support of UNHCR's needs and activities, and to increase public understanding and private sector support of UNHCR; and (d) to provide, through the eCentre, capacity building in the field of emergency preparedness and response and security training for the direct benefit of targeted beneficiaries in the greater Asia and Pacific region. This COP is meant to be compliant to the High Commissioner's Global Strategic Objectives for 2007-2009 and the Regional Strategy for the Asia-Pacific Region.

1.2 Protection and Assistance

Japan has acceded to the 1951 Convention in 1981, has basic domestic legislation in place (the Immigration Act contains provisions relating to asylum), and an administrative procedure for identifying refugees. While the number of new applications in 2005 remained stable 384,¹ the refugee recognition rate rose to 15.6% and the total recognition rate went up to 48%. This represents a drastic increase in comparison to previous years² although the increase concerns mostly Myanmar nationals. Further developments are needed in the refugee determination system, including the application of the refugee criteria, evidentiary requirements, transparency, legal representation in first instance, confidentiality of the asylum applications, independence, access to proper advice, and welfare assistance, especially during the court procedure. While UNHCR Japan has by design no formal role at any stage of the national procedure to determine refugee status/grant asylum, there are increased opportunities to engage into a constructive dialogue with the Government of Japan (GOJ) on refugee policies.

¹ Out the 384 new asylum applications, there were 212 Myanmar nationals, 40 Turks (ethnic Kurds), and 29 Bangladeshi.

² 46 applicants were recognized as refugees (43 Myanmar nationals) and 97 granted with humanitarian status (52 Myanmar nationals).

Reception conditions of asylum-seekers have improved following the implementation of new provisions of the Immigration Control and Refugee Recognition Act in 2005. Applicants are now entitled to a temporary permission to stay during the asylum procedure under certain conditions, which reduces the number of asylum-seekers in detention. The introduction of non-immigration counsellors (appointed by the government) in the appeal review brought some transparency into the system, although these changes fell short of establishing an independent appeal. The law has also introduced a form of complementary protection whereby applicants who are not recognized as refugees under the 1951 Convention may be allowed to stay on humanitarian grounds. However, criteria are unspecified, which leaves deserving some individuals without protection. In addition to legislative changes, efforts were also made by the GOJ to improve access to information for asylum-seekers and refugees with the publication of materials in several languages. Convention refugees continue to be provided with long-term immigration status, which entitles them to social security and health insurance, as well as the right to work. Beneficiaries of humanitarian status are allowed to work but are denied local integration assistance (language classes and job orientation). The refoulement of two UNHCR mandate Kurdish refugees in January 2005 was a highly publicised incident which triggered considerable criticism both in-country and abroad.

Apart from its acceptance of Indochinese from 1975 to early 2006, Japan has otherwise not become involved in the resettlement of refugees from precarious circumstances abroad. Challenges regarding the establishment of a resettlement programme relate, *inter alia*, to issues of selection, integration into the Japanese society and cost. At the grassroots level, however, local communities and NGOs have expressed readiness to receive refugees. If considered by the GOJ, a resettlement programme would be another strong manifestation of Japan's humanitarian commitment.

1.3 Resource Mobilisation and Partnership

The strong interest of the GOJ in UN reform and its ardent desire for a permanent seat on the UN Security Council is a double edged sword. Together with Human Security and Peace Building, both of which are now central pillars of Japan's foreign policy, this strong interest may provide UNHCR with some space for closer cooperation with the GOJ. However, the GOJ may find the UN less attractive if it fails to secure a permanent seat on the UN Security Council, possibly reducing further its commitment in overall UN activities. The GOJ's current financial situation is still a concern and its expression has been Japan's Official Development Assistance continuously on the decrease. With more PKO related expenditures and fixed disbursements for its assessed contribution (some 19.5% of UN Budget), the share allocated for voluntary contributions has been shrinking. In this sense, Japan's core contributions to UNHCR dropped from USD 90.6 million in 2000 to 52.5 million in 2006.

Against this backdrop Japan has also requested UNHCR to support and promote the greater visibility of Japan's humanitarian assistance, support the further development and expansion of Japanese NGO's and has requested UNHCR to increase the number of Japanese nationals within its professional ranks.

Partnerships with Japanese NGOs has significantly improved due to the active consultations through PARinAC, several joint events between UNHCR Japan and individual NGOs which culminated in the workshop called "Is there Japanese Recipe in humanitarian actions" held in Bangkok on 14 February 2006. Ten Japanese NGOs together with other stakeholders participated in this workshop where the relations between UNHCR and Japan in last 25 years were reviewed. The Deputy Representative is now regularly invited to the Board Meetings of the Japan Platform (the consortium of 24 NGOs, MOFA and Business Association), which serves as an indication of close collaboration between UNHCR Japan and Japanese NGO partners.

The Japanese NGO community at both the domestic and international level are seen as UNHCR's greatest future asset in support of both official and private resource mobilisation at private level.

1.4 Advocacy

Mainstream media interest in the international humanitarian agenda and UNHCR or refugee issues in general is relatively low in Japan. Our main mandate of protection has proven difficult to promote to the greater Japanese public. This statement seems in contradiction to the past record of Japan's generous support to UNHCR. However, the current discussion in Japan related to a decreasing population, immigration policy reform, economic demands and labour requirements does provide an opportunity for UNHCR to enter this national discussion from the perspective of refugees and the added value they can bring to a national social and economic profile. Thus the advocacy for general support for refugees must be framed within the contemporary Japanese debate.

The educational sector is another potential area for gaining advocacy and support for UNHCR. UNHCR, together with J4U, continues its efforts to reach out to elementary, and secondary school classes with the mid to longer term objective to raise Japanese people's knowledge and understanding of refugee issues. UNHCR consider a precious opportunity attending the multitude of lectures and seminar at universities, GOJ-hosted seminars, and other occasions, available in Tokyo and around Japan. Increasing the exposure of UNHCR to the various audiences, at the same time delivering the substantive part of UNHCR's policy and strategy to the public, GOJ, and other stakeholders through the presentations enable the office to broaden and deepen UNHCR Japan's advocacy capabilities.

1.5 Private Sector Fund Raising (PSFR)

Japan has considerable potential for increased private sector funding, as per the positive examples of UNICEF and Japan Red Cross. CSR or Corporate Social Responsibility attracts great attention in Japan and there is room for improvement for UNHCR Japan and J4U to strengthen the linkages with private companies. J4U is now more involved in public awareness activities in relation to resource mobilisation from individual and corporate supporters and this will be a main focus of the office for PSFR.

The issue of "branding" is important and UNHCR's name continues to present obstacles. UNHCR has still not found the formula for name recognition within the Japanese community and must continue to address this need.

1.6 eCentre

The eCentre remains as an important asset to both the Tokyo Office and to the organisation globally in that it continues to strengthen the relationship between UNHCR and Japan and several other key partners in the Asia-Pacific and beyond. It has delivered training to almost all countries of the Asia Pacific since its inception and it is intended to carry on this function in 2007 and but also to diversify in training topics and number of countries benefiting from the training. The eCentre significantly supports efforts to build the capacity of Japan's NGO community and thus addresses the objectives of the GOJ.

The eCentre is now linked to the Emergency and Security Service (ESS), Headquarters with which it collaborates closely.

2. Operational Goals and Potential for Durable Solutions

2.1 Protection

The 2007 programme will be aimed at expanding the asylum space and at improving the understanding of the concept of international protection. Activities will focus on capacity-building, advocacy, legal advice, training, and *ad hoc* intervention. Special attention will be paid to promoting fair asylum procedures, adequate reception arrangements for all asylum-seekers regardless of legal status, alternatives to detention, treatment of beneficiaries of

complementary forms of protection, as well as the creation of a resettlement intake programme. To that effect, UNHCR will work closely with the GOJ and NGOs to ensure that international standards are taken into consideration in policy decisions and at implementation level. Specific objectives will be to:

- As part of the UNHCR Age, Gender and Diversity Mainstreaming Strategy, implement the objectives identified through the participatory assessment to be completed in 2006;
- Monitor policy developments on asylum and reception issues, and provide advice to the government to ensure that the rights of refugees and asylum-seekers are adequately taken into account;
- Promote the establishment of a free of charge legal counselling programme and support networks of information;
- Focus on the implementation of the 1951 Convention through provision of comments on individual cases;
- Actively promote the creation of a resettlement programme in Japan; and
- Increase public support for refugees through dissemination of accurate information on the asylum situation in Japan, advocacy, public information, and public awareness.

2.2 Resource Mobilisation and Partnership

Resource mobilisation cannot be achieved without UNHCR's added value to GOJ. Though Japan has been the second largest donor to UNHCR for last decade, we cannot take it for granted that it will continue so in the future. As Japan's core contribution cannot be expected to dramatically increase due to the reasons mentioned above, UNHCR has to prove its effectiveness and efficiency in terms of utilising financial contributions and supporting GOJ humanitarian policy so that it will be able to benefit other sources such as several kinds of grant assistance (emergency, peace building, community development etc.) and the Trust Fund for Human Security. Also, UNHCR Japan will accommodate any result of the ongoing MOFA restructuring of ODA implementation which is supposed to complete in summer 2006.

Partnerships with NGOs, the Parliamentary League for UNHCR, JICA, academia, Self Defence Force and other stakeholders are all important, but the emphasis will vary. For securing resource mobilisation, the triangle approach among Tokyo, Geneva and the field will be useful in terms of promoting more Japanese NGOs' involvement in UNHCR activities, providing field oriented information to MOFA and operationalising such concepts as Human Security and Peace Building in post conflict situations.

The following goals, *inter alia*, will be pursued in 2007:

- Continue to build up the Strategic Partnership with Japan and promote political dialogue with regional bureaus of MOFA along with direct communication between UNHCR field offices and Japanese embassies on the spot, aiming at UNHCR's better support to GOJ foreign policy agendas and more diverse funding if appropriate.
- Advance the post-PARinAC system with key Japanese NGOs in joint operations, research and advocacy. Such activities will include the series of "Debrief from the field", which started since December 2005 focusing selected topic or country with NGOs and other partners, joint mission to the field, co-hosting advocacy events, study-group on specific themes etc.
- Reinvigorate the Parliamentary League for UNHCR with new initiatives (promotion of resettlement for example), field visits and activities for raising public awareness.
- Explore the possible civil-military cooperation with Defence Agency and Self Defence Force of Japan, and where appropriate, link it up with the promotion of eCentre activities.
- Enhance the collaboration with JICA beyond the existing scheme (eCentre, high-level dialogue etc.) in the areas of more joint advocacy and field-oriented information sharing.

2.3 Advocacy

UNHCR Japan will target both the domestic and international audience to advocate for UNHCR's global programme. UNHCR will continue to develop a support group or "Friends of UNHCR" mainly aimed at the domestic target and supported by the identification of a UNHCR Ambassador of Japanese origin. The office will continue with monthly press briefings, while non-traditional media sources will be targeted to insert the refugee discussion into mainstream culture. These activities will be coordinated with Japan for UNHCR (J4U) and as well the forum of UNHCR's NGO partners.

2.4.1 Domestic Advocacy

The image of refugees as burdens must be changed. UNHCR Japan will show the "faces of refugees" as assets and contributors to Japan's future. This activity will focus on the pilot acceptance of a modest resettlement initiative.

- Explore the "new avenues (magazines, TVs and other media channels)" using such entry points as food, sports, dance or any other cultural aspects to cultivate non-traditional supporters for UNHCR to understand the refugee issues in a more positive manner.
- Hold workshops and seminars, jointly with NGOs if possible, to enhance public awareness on the positive side of refugee lives. Where appropriate, try to link up the aging population and labour shortage of Japanese society with the theme of "a small scale of resettlement of refugees" to the provinces, together with selected local governments, like-minded NGOs and the Japan Platform.
- Participate widely in formal and informal lectures and academic activities with universities and high-schools to encourage Japanese youth to be exposed to humanitarian/refugee issues.
- Continue to develop the concept of a "Refugee Film Festival" and expand this activity to serve as a vehicle for other forms of debate on domestic refugee issues.

2.4.2 International Advocacy

Japan's humanitarian profile must be maintained and reinforced. UNHCR Japan will continue to highlight Japanese humanitarian workers and GOJ's humanitarian actions to attract the media attention with special emphasis on Human Security and Peace Building.

- Continue to provide the key media with UNHCR information from the field operations on its policy and activities in a timely manner through web site and press releases as well. The new UNHCR magazine, "Refugee is...", which commenced in January 2006 focusing on the 25 years anniversary of Japan's accession to the 1951 Convention. This will continue with different focus to advocate more diverse aspects of refugee issues.
- Enhance the partnership and collaboration in the field between Japanese Embassies and UNHCR field offices towards the government concerned.
- Encourage opinion leaders and academics to advocate and contribute more articles on humanitarian/refugee agendas.
- Continue to organise field missions for government officials, the media and relevant individuals and the corporate community.

2.4 PSFR

As J4U is in charge of private sector fund raising, UNHCR Japan will assist them in the form of receiving donor VIPs, participating ceremonial or memorial events, co-hosting advocacy events etc. The relations between J4U and UNHCR's activities in the area of public information and media activities will be carefully coordinated to ensure maximum impact.

2.5 eCentre

In order to increase the operational and managerial capacity of Japanese and Asian individuals and organizations, the eCentre will continue to offer training and capacity building. A workshop for media, to be held for the first time in 2005, will be replicated in 2007 as will a new concept: that of introducing Tokyo based diplomats to the culture of staff safety with the benefit of a secondary agenda of UNHCR promotion.

Through UNHCR's partnership with JICA, the eCentre will offer the JICA staff and others the opportunity to be trained in staff safety and will further develop the security risk management that it piloted in 2005. NGOs are prime targets for this training.

It is further intended to develop emergency response management/post natural disasters in order to cater for the needs of the globally most disaster prone regions, mainly in South East Asia. This will entail further liaison with ASEAN with the support of the eCentre.

In order to move more efficiently in the management of the human resources available and to take into consideration the workloads, the post of Regional Global Safety Advisor in Jakarta was relocated to Tokyo to incorporate also the duties of the eCentre Coordinator. The duties of the latter have largely become security oriented and it is expedient to employ an FSA as the Coordinator. It will have the added value that security training delivery to Japanese NGOs, JICA, etc can take place on an *ad hoc* (on demand) basis and do so without bring in outside resource persons from abroad. This action will result in global savings.

Part II: Comprehensive Needs and Partnership

1. Outcomes of Joint Planning and Management of Identified Gaps

1.1 Protection and Assistance Gap

Reception conditions for asylum-seekers

Asylum-seekers do not have the right to work and generally lack community support, which makes them entirely dependent on external assistance during the asylum procedure. In response to those needs, the government has put in place reception arrangements covering the elementary needs of approximately 23 % of the total number of asylum-seekers.³ Overall, however, further developments are required to affirm the relationship between basic human rights and reception conditions of asylum-seekers, and by extension, access to a fair and effective asylum procedure. Under the current arrangements, many applicants remain destitute and require various forms of assistance, especially legal counselling, housing, health care, and basic means of subsistence. While specific categories of applicants receive financial assistance under certain conditions through the "Refugee Assistance Headquarters" (RHQ) funded by the government, applicants seeking independent judicial review are ineligible for government's assistance and rely exclusively on NGOs. Given the limited capacity of NGOs, many of these applicants are compelled to work illegally.

Insufficient legal assistance to asylum-seekers is one of the main protection gaps in the area of reception and asylum procedures. The new public Legal Aid system specifically excludes foreigners without residency rights, which has a direct impact on asylum-seekers. Likewise, the Immigration Bureau does not provide such assistance to new applicants. Asylum-seekers therefore rely entirely on NGOs and pro-bono lawyers. In order to fill the void, UNHCR has established small-scale legal assistance projects with two NGOs, which are, however, insufficient to cover the needs. In addition, NGOs do not receive financial support from the

³ In 2005, the government provided financial assistance and temporary accommodation respectively to 122 and 17 applicants, out of a total of 521 asylum-seekers awaiting a final decision (including judicial review).

GOJ and have serious difficulties getting private funding. In this context, unless legal counselling is either assumed by the government, or substantial financial support is provided to NGOs, these assistance gaps will continue to be addressed by UNHCR's partners, yet only partially.

Local integration

There is a general consensus that language training and individualised counselling is a prerequisite for effective integration of refugees into the Japanese society. Since 2002, Convention refugees have been entitled to Japanese language classes and basic job orientation under government funding. Similar arrangements are yet needed for beneficiaries of complementary forms of protection, which outnumber the Convention refugee population.

Information and training

UNHCR's counterparts have consistently requested that international standards (for example, Excom Conclusions), UNHCR policy guidance, human rights reports, country of origin information and other relevant documentation be made available in Japanese. While UNHCR has made efforts to respond to these needs within the limited budget available, this cannot be done by UNHCR alone. Under the current allocation of resources for translation both within the government and the civil society, a fraction of all decision-makers and other stake-holders has access to the materials required to make an informed decision.

The importance of training has been recognized by the government and UNHCR has been given some opportunities to address immigration personnel directly involved in the assessment of refugee claims. In 2005, UNHCR was able to provide RSD training to 20 immigration staff, which did not include the newly appointed appeal immigration counsellors. Training, as a form of cooperation between UNHCR and the government has yet to realise its full potential.

1.2 Public Awareness Gap

Though UNHCR Japans website has been considered as an important tool for years, there was the need to invest as much as JPY 1.6 million in 2006 to improve the web system and to develop this tool as the centre piece of the office's information dissemination programme. This will continue in 2007. However, due to the limited funds available for PI activities this continued investment in this specific activity will again limit the office's ability to invest in other PI related activities in particular – printed publications.

2. Comprehensive Needs and Contributions

a) Contributions by the host Government, refugees and local communities

State assistance to specific categories of asylum-seekers and refugees, channelled through RHQ, consists of basic counselling and financial help to approximately 23 % of pending cases and provision of accommodation to 3 %. This does not cover the category of asylum-seekers seeking independent judicial review and who are generally destitute. Language training was provided to 3 Convention refugees in 2005 but it is assumed that the new arrangements in place since 2006 will benefit a larger number of Convention refugees. Convention refugees and persons under humanitarian status have the right to work and can become self-sufficient, provided that they have acquired sufficient language abilities and appropriate counselling. It is therefore important to include the emerging category of "humanitarian status" in state-sponsored language trainings and job orientation programmes. Legal assistance to asylum-seekers is entirely assumed by the civil society without any support from the government.

b) Financial contributions of partners

NGOs play an important role in counselling and assisting individuals throughout the procedure, especially on issues relating to health, education, and various legal and administrative issues. UNHCR's implementing partners, JAR and ISSJ, will contribute funds to partially meet the administrative cost of the care and maintenance project. Japan Legal Aid Association (JLAA) will undergo structural changes as a result of the reform of the Legal Aid system. New arrangements will need to be identified for the provision of legal representation to asylum-seekers. However, the cost of protection-related activities will remain at the same level and funding for sub-projects will need to be maintained in order to ensure minimum reception standards. The level of contribution from JAR and ISSJ is respectively of 38% and 70%.

Unmet needs - summary: As described above, uncovered needs are as follows:

- Asylum-seekers in judicial review: basic reception conditions (health care, housing, minimum means of subsistence, legal and social counselling);
- Persons granted humanitarian status by the GOJ: local integration assistance (language training, job orientation, counselling);
- All asylum-seekers: legal representation and legal counselling.

Given the scope of such needs, quantifiable information is not available. The completion of the Age, Gender and Diversity Participatory Assessment (AGDM) in 2006 will enable the office to gather specific data on refugees' needs for planning purposes.