



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Nepal

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR NEPAL

Part I: OVERVIEW

1. Protection and socio-economic operational environment

His Majesty's Government of Nepal (HMG-N) has neither acceded to the 1951 Convention / 1967 Protocol nor adopted national refugee legislation. Refugee rights are governed by the Aliens Act and administrative directives that are caseload-specific and incomplete. There are four major groups of persons of concern to UNHCR within Nepal, distinguished by the country of origin and the level of rights and type of recognition accorded;

- Tibetans who arrived before 1 January 1990 were recognized as refugees by the Government of Nepal and permitted to reside in Nepal. Although not legally allowed to engage in gainful activities, the HMG-N has adopted a tolerant approach to this population, and no relief assistance is provided to them by UNHCR. However, proper registration and documentation remains a concern.
- Tibetans who arrived after 1990 are assessed to determine if they are of concern to UNHCR and their onward travel to third countries is arranged and facilitated by UNHCR. They are not permitted to remain in Nepal, and for the moment are not considered as refugees by UNHCR but 'others of concern'. UNHCR provides food and other care during their transit stay in Nepal.
- Bhutanese refugees and asylum-seekers who arrived between 1991 and June 1992 were given prima facie refugee status by HMG-N, while those arriving after June 1992 have had their status determined individually by the Nepalese authorities. This population is largely, if not entirely, supported by the international community.
- Asylum-seekers and refugees from other countries who are largely concentrated in Kathmandu and for whom individual refugee status determination (RSD) is performed by the office under its mandate. Most recognized refugees are submitted for third country resettlement with a few exceptions such as Iraqi asylum-seekers and refugees. UNHCR provides monthly stipends to all asylum-seekers and refugees, as well as medical care and special assistance as required.

As a result, asylum-seekers and refugees are dealt with by the government with variable flexibility, and are subjected to discretionary interpretation by relevant government officers. For example, "The Camp Rules" an administrative directive of HMG-N relevant for the Bhutanese refugees, restricts the freedom of movement of refugees and prohibits them from engaging in gainful activities, including cattle breeding. However, to some extent, the Government has turned a blind eye to refugees working outside the camps, particularly if local cadres, such as teachers in remote schools, are found to be insufficient.

The bilateral process between the Royal Government of Bhutan (RGB) and HMG-N to seek solutions for the Bhutanese refugees has failed to meet the expectations of the refugees or HMG-N, forcing the consideration of alternative solutions such as resettlement. RGB remains unhappy towards UNHCR, claiming that the establishment of refugee camps by UNHCR created a pull factor for people who would have otherwise remained in Bhutan or dispersed without problems in India and Nepal. The results of the joint verification process, a direct outcome of the bilateral discussions, showed that Bhutan considers only a small minority (over two per cent) of the population to be of Bhutanese origin, and therefore eligible to return to their homes. However, all parties remain hopeful that return will become a reality at least for a reasonable segment of the population.

The political and socio-economic environment within Nepal is dominated by an ongoing civil war that has fragmented the country into areas controlled by the central authorities and zones controlled by Maoist insurgents. Government authority is maintained through the presence of the army, limited to the Kathmandu Valley, and to district headquarters and army barracks throughout the country. The remaining areas, including the areas where the refugee camps are located, are under the tacit, if not explicit, control of the insurgents. Movement throughout the country is controlled through blockades, strikes, curfews and intimidation, imposed by both sides as well as by political parties.

Direct consequences of the conflict on the legal and physical protection of the refugees are:

- Physical insecurity and violence surrounding Bhutanese camps hindering monitoring by UNHCR staff, delivery of food and other supplies, responding to protection concerns, provision of medical assistance, movement of refugees, and all other activities;
- Restrictions on travel which limit monitoring of border areas to ensure the physical protection of arrivals from Tibet, China and that the principle of non-refoulement is respected;
- Restrictions on and delays for Tibetan refugees transiting through Nepal to India;
- Frequent changes of staff within government ministries responsible for refugee-related affairs at both central and local level;
- Displacement of Nepalese within Nepal and to India, related to closure of schools, markets and commercial institutions, as well as direct and indirect physical threats and violence;

With no sign of peace talk between the HMG-N and the Maoists, it is likely that the security situation will continue to deteriorate. The eastern and northern border areas are likely to see a steady increase in Maoist activities, preventing government security forces from re-establishing their regular presence in the camps, and reducing the opportunities for monitoring the China/Nepal border.

As time passes, the international/donor communities' attention towards the Bhutanese refugees and Tibetan new arrivals may decline due to donor fatigue. However, India and China, being the two neighbouring powers, can play a major role in finding solutions for both populations

2. Operational goals and potential for durable solutions

The overall goal for the UNHCR in Nepal is: **While actively seeking durable solutions, provide international protection to secure and promote human and refugee rights.** This applies to all beneficiary populations within Nepal, including the 105,000 Bhutanese refugees, the 20,000 Tibetan refugees who arrived prior to 1 January 1990 and were granted refugee status by HMG-N, the Tibetan new arrivals and some 200 individual asylum-seekers covered by UNHCR's mandate.

Following from the UNHCR Global Strategic Objectives (2006-2007), UNHCR Nepal will pursue the following strategic goals for 2006:

- To identify and implement durable solutions for Bhutanese refugees

The implementation of a comprehensive set of solutions for the approximately 105,000 Bhutanese refugees in the districts of Jhapa and Morang is the highest priority for UNHCR. A mixture of voluntary repatriation, resettlement and promoting self-reliance for both the host and the refugee population will best respond to the long-term needs of these refugees and the concerns of the Governments involved.

In the case of repatriation UNHCR Nepal will ensure the voluntariness of those who opt to return to their home country, provide counselling on the conditions of return, and ensure that the

principles of international protection are respected in the repatriation process. The programme of third country resettlement continues for those who are unable immediately to repatriate, as well as the identification of those for whom local integration is possible.

In year 2005, UNHCR plans to carry out the re-registration/profiling exercise of the entire refugee population in the Bhutanese refugee camps. Based on the results of the re-registration exercise, UNHCR Nepal will develop safety nets for vulnerable populations as well develop a comprehensive strategy of targeted assistance to needy segments of the population.

The above will be complemented by intensifying skills and self-reliance activities which will facilitate the Bhutanese refugees to become more independent and to find ways and means to run their daily lives without depending on external assistance from the international communities. In addition, continued refugee involvement in camp life as well as in the strategic decision-making process is essential to avoid disaffection of this population, risking both their immediate well-being and solutions opportunities. Activities will focus on women, girls and adolescent men. Basic relief handouts will be increasingly replaced by the skills, raw materials and opportunities need for increased self-reliance and improved standard of living. In this regard the refugee women will be strongly encouraged and motivated to get themselves involved more effectively.

- Protect the environment and promote a harmonious relationship between refugees and surrounding communities

Projects targeting the protection and development of the host physical and economic environment will be undertaken. These projects will be designed to benefit the local and refugee communities simultaneously. To foster harmonious and collaborative relationships, the projects will be jointly designed, implemented and managed by the two communities.

- Provide international protection to the individual urban mandate refugees and asylum-seekers and support needy individuals with a financial grant.

UNHCR Kathmandu will continue to undertake refugee status determination under UNHCR's mandate for all individual asylum-seekers, irrespective their nationalities, approaching BOK. Asylum-seekers and mandate refugees will be protected against refoulement, and UNHCR will continue to issue necessary documents for identification of asylum-seekers and of mandate refugees to ensure adequate protection against arrests and/or unexpected police encounters.

- Provide protection and assistance to Tibetan (new arrivals) taking the form of food, shelter, and health care while transiting through Nepal to a third country.

UNHCR will continue its facilitating role for newly arrived Tibetans by assessing their protection concerns and immediate needs and ensuring that those declared of concern to UNHCR receive proper treatment and adequate assistance before proceeding in safety and dignity to a third country. Dialogue with HMG-N, regional and local officials will continue in order to maintain and secure compliance with HMG-N's commitment to adhere to the principle of non-refoulement. Through a more permanent presence in the border areas and a resumption of regular border monitoring missions, UNHCR will continue to disseminate information and build up understanding among Nepalese officials as to the role of the organization and the need for the protection of Tibetan asylum-seekers, pending the determination of their status and their onward travel to a third country.

- Provide legal and physical international protection to refugees while pursuing durable solutions.

Activities will focus on improving the standard of treatment of refugees by the government, particularly in respect to registration and documentation, freedom of movement and engagement

in gainful activities. UNHCR will continue to improve the standards of legal and physical protection, including protection of women and children from SGBV and other forms of violence.

UNHCR, together with implementing partners, will continue to provide for the overall physical well-being of this population through the provision food, shelter, health care, and education.

The prevention and/or resolution of statelessness, especially among children, through proper registration and demarches with the Government, is another key protection result. Individual registration will be maintained, and information about the population regularly verified and updated.

UNHCR will continue to ensure the availability of basic health services to all refugees throughout Nepal. Health services for the camp-based population will be integrated into national health programmes including HIV/AIDS and immunization programmes. Refugee health workers will be engaged in community health activities as part of preventive healthcare. National health programmes including TB and HIV/AIDS will be expanded to include refugees as beneficiaries.

- Raise levels of debate on refugee issues among authorities, academia and civil society to influence HMG-N to adopt national legislation for the treatment and protection of asylum-seekers and refugees and/or accede to the 1951 Convention and/or 1967 Protocol.
- Incorporate Millennium Development Goals in the assistance programmes.

Following MDG8, Convention Plus will be pursued to promote a fair share of development assistance to refugees and refugee hosting communities. Skills training to advance the health and economic growth of the entire community will continue to be provided.

- Strengthen preparedness and response capacity for an emergency situation or major shift in the nature of the humanitarian response within Nepal

In collaboration with HMG-N, other UN agencies, NGOs and refugees, the contingency plans for responding to emergency situations will be periodically reviewed and updated. Sufficient stocks of food and emergency non-food supplies including medicines will be stocked: 1) in refugee camps, in the event of a severe law enforcement breakdown given the current political/security situation; 2) arrangements will be made to fly in supplies in the event of a call by HMG-N to cater for the needs of populations forced to move out of their villages due to the action of CPN-M (if approved by the UN Secretary General). 3) In the event of a natural disaster (earthquake), UNHCR Nepal will have enough stocks of essential items to support approximately 500 persons (UN staff living in the surrounding areas of UNHCR offices for an initial period of 5 to 7 days).

- To seek solutions for and provide assistance to internally displaced persons, through established inter-agency mechanisms.

UNHCR will continue to participate actively with the other UN sister agencies in Nepal in its search for appropriate solutions for the protection, health and other immediate needs of the internally displaced. Following approval by the UNTC in 2005, a UN inter-agency working group has been formed under the guidance and leadership of a UN IDP Advisor. The UN IDP working group will increase its protection focus on the situation of IDPs in 2006 through the current (ongoing) evaluation of: 1) the great range of figures put forward in quantifying the issue of displacement; 2) the main activities undertaken by UN agencies, HMG/N and other development agencies; 3) the main unanswered questions relating to the displacement phenomena and, finally, 4) proposals for possible UN responses.

In 2006 the UN IDP working group will continue focusing on the need for practical training with all stakeholders working at the field level on basic protection issues in order to strengthen the monitoring and report system on IDP issues and others at risks. The policy of a collaborative and coordinated approach in order to better understand the overall situation on IDPs and others at risk will continue.

At this time, UNHCR Nepal is not involved in providing any relief assistance to the IDP caseload. Hence, we do not have any budgetary allocation for the year 2005 and we have not budgeted any amount under the 2006 COP. However, in the event of UNHCR being requested to become involved, we will submit additional budgetary needs to headquarters.