



# **COUNTRY OPERATIONS PLAN**

**Executive Committee Summary**

**Country: Myanmar**

**Planning Year: 2005**

## MYANMAR 2005 COUNTRY OPERATIONS PLAN

### Part I: Executive Committee Summary

#### (a) Context and Beneficiary Population (s):

In a major administrative reorganisation in 2003, the State Peace and Development Council (SPDC) appointed a Prime Minister who subsequently presented a seven-point road map for a democratic transition in Myanmar. The first step in this process is the reconvening of the national convention to draft a new constitution for the country. The road map has been welcomed by the UN Secretary-General, who urged that it be implemented in an “all inclusive manner”.

Most of the 17 armed ethnic groups who have reached a ceasefire agreement with the SPDC have had consultations with the new Prime Minister, and announced their willingness to join the national convention process. In an unprecedented development, the Kayin National Union (KNU), which has been engaged in active armed conflict with the regime in Myanmar for the past 50 years, reached a verbal ceasefire agreement with the SPDC in December 2003. At the time of writing, negotiations between the SPDC are ongoing. These discussions include the return of refugees in camps in Thailand.

In 2004-2005, UNHCR Myanmar will pursue three main objectives; (i) the completion of the ongoing voluntary repatriation of refugees from Bangladesh and the sustainable reintegration of returnees in Northern Rakhine State, (ii) the initiation of plans for voluntary repatriation and reintegration programme in favour of refugees from Thailand and (iii) the promotion of Refugee Law and Human Rights Law for officials who deal or may deal with issues of population movement.

#### *Refugee Repatriation from Thailand*

In early 2004, following intensive and sustained discussions with the Myanmar authorities, UNHCR was granted access to areas of origin of refugees currently living in camps in Thailand. This objective had been denied to UNHCR despite years of effort and discussion. The Myanmar authorities approved an Agreement-in-Principle on UNHCR access and activities. Subsequently, the Prime Minister cleared a Plan-of-Action presented by the UNHCR Director for Asia and the Pacific Bureau in February 2004. Access to this border will permit UNHCR to create conditions conducive for the voluntary return of some 140,000 refugees when the situation allows. This constitutes a fundamental pre-condition for the involvement of UNHCR in any organised voluntary repatriation operation.

Recent developments in Myanmar have thus provided an opening for the start of a national reconciliation process and the voluntary return of refugees and internally displaced persons to former conflict areas. UNHCR has been authorised to operate in Kayin State, Mon State and Tanintharyi Division, an area that represents the majority of the area of refugee origin and to which returnee numbers are expected to be substantial. The situation in Kayah State remains highly volatile and prospects for a

cease-fire are still remote. Although smaller refugee numbers would return to Kayah State, UNHCR has not yet been granted access to the area.

Pending an acceptable settlement through ongoing peace negotiations between militant groups and the Myanmar authorities, the UNHCR Plan of Action foresees a two-phased approach. In phase one, UNHCR will establish a roving field presence at selected locations along the Myanmar-Thai border. At the same time, targeted humanitarian activities will be initiated to gradually build conditions conducive for return in areas from which refugees originate.

Subject to the emergence of an acceptable settlement between armed groups and the Myanmar authorities, and guarantees for the safe return of refugees, phase two of the Plan-of-Action would then be initiated. The UNHCR Plan-of-Action will include the planning and implementation of a voluntary repatriation process, field monitoring of returns and the initiation of a multi-sectoral returnee reintegration programme under a UNHCR lead role. UNHCR's phased involvement of UN and NGO partners in assistance activities will be based on the successful model developed in returnee reintegration in Northern Rakhine State over the past ten years.

#### ***Returnees and Vulnerable Groups in Northern Rakhine State***

At the time of writing, more than 236,000 refugees have returned from camps in Bangladesh to Northern Rakhine State in Myanmar with UNHCR assistance. This represents over 94 per cent of the total refugee population. As a result of a series of discussions with the Myanmar authorities, all technical restrictions to refugee return were removed in 2003/2004. Consequently, over 3,000 refugees returned to Myanmar in 2003, the highest number since 1997. In addition, over 7,000 refugees currently in camps in Bangladesh have been cleared to return to Myanmar and the clearance of new applications for repatriation is ongoing.

Despite this progress, in view of the unwillingness of large numbers of the remaining refugees in Bangladesh to exercise their right to return, it is estimated that only some 1,500 refugees will opt for voluntary repatriation during 2004. Therefore, more than 17,000 refugees will remain in camps in Bangladesh by the end of 2004. Refugees wishing to repatriate later will be able to do so through bilateral consular channels. UNHCR will continue to facilitate the family reunion of returnees in Myanmar. UNHCR is also in discussions with the Bangladesh authorities in order to find alternative solutions for the remaining refugees.

The returnees constitute one-third of the Muslim population of Northern Rakhine State and are also linked to the local population through marriage and kinship. This population, which is ethnically distinct from the Rakhine population, faces a wide range of public policy issues upon return. These issues of public policy encountered by the Muslim population, including the returnees are a major impediment to sustainable reintegration.

The ability of vulnerable returnees and groups in the host Muslim community to reintegrate is seriously affected by their overall situation. Northern Rakhine State is a remote border region, geographically isolated from the rest of the country by mountains in the East, the border with Bangladesh in the northwest and the Bay of

Bengal in the south. The isolation of the area, the absence of basic infrastructure, adverse weather conditions, a high population density and the scarcity of arable land have very seriously affected livelihood.

Ninety per cent of returnees are landless with few skills and survive through seasonal labour work. The Muslim population as a whole has a literacy rate of less than 20 per cent. Communication between the Muslim population and the authorities is therefore very limited. Chronic malnutrition among children is very high (63%) and a lack of adequate health care has led to an infant mortality rate which is four times the Myanmar national average.

UNHCR's assistance programme will be directed at increasing the capacity of the most vulnerable returnees and groups in the host community to handle protection issues by end 2005. Ongoing needs assessment surveys show that some 80,000 persons are vulnerable individuals, and some 35,000 of them are in extremely vulnerable conditions. Assistance interventions will therefore continue to focus on this segment of the population, being the most prone to renewed displacement. The challenge for UNHCR will be to ensure that the largest possible number of vulnerable persons have gained a level of control over their lives by the end of 2005, thereby reinforcing their stability and allowing for a phase-out of UNHCR assistance activities.

UNHCR will focus on targeted community based assistance activities leading to self-reliance and empowerment. Myanmar language training will be provided to selected adult beneficiaries to enable them to understand official communications and deal with procedures relating to travel permissions and the registration of births, marriages, etc. Community savings and loans associations will be strengthened to promote self-help.

These community based assistance activities will provide a critical framework for daily inter-action with vulnerable groups and an exchange of information on issues of concern with the beneficiaries and the local authorities, in an effective and acceptable manner. As a result of extensive sensitisation efforts and capacity building in previous years, partner agencies and non-funded actors will also co-ordinate with UNHCR on issues of concern.

#### ***Promotion of Refugee Law:***

In 2003, in pursuance of *Goal One of the UNHCR Agenda for Protection*, UNHCR secured the agreement of the Myanmar authorities to organise workshops in Human Rights Law and Refugee Law in co-operation with the Myanmar Human Rights Committee. With support from the Department of International Protection, UNHCR became the first UN agency in Myanmar to undertake such an activity. This UNHCR role was commended by the Special Rapporteur of the United Nations Human Rights Commission on the Situation of Human Rights in Myanmar, in his reports to the General Assembly and to the Commission.

The workshops deal with a range of issues including refugee protection and durable solutions, statelessness, trafficking in persons and the protection of civilians in internal armed conflict. Participants (90 persons in total) were senior and mid-level

officials from various departments who deal/may deal with issues of population displacement. Two workshops were held in Yangon and one in Mawlamyine, Mon State for officials from Mon State, Kayin State, and Rakhine State. UNHCR was also able to establish direct contacts with a number of law faculties in the country, to provide documentation and expertise on refugee law. This also represented an unprecedented development that will be built upon by UNHCR in 2004 and 2005. At the time of writing, a fourth workshop on human rights law and refugee law has been held for officials from Tanintharyi Division.

UNHCR will conduct additional refugee law and human rights law workshops at the beginners' and more advanced levels in border areas as well as in major urban centres of the country. Closer cooperation will be established with major law faculties in the form of overseas training of trainers' courses for law professors in the area of refugee law, provision of reference legal databases and direct lectures by UNHCR within post-graduate curricula in international law. The objective of these activities will be to build awareness and knowledge of international human rights norms through an increasing network of persons from among academics and government officials.

### ***Myanmar refugees in India***

An estimated 40,000 Chins from Myanmar, including refugees, are presently living in the north-eastern Indian State of Mizoram, Manipur and Tripura. Some 800 of these asylum-seekers and refugees are being assisted by UNHCR in India.

#### (a) Selected Programme Goals and Objectives:

##### **Caseload/theme: 1**

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| <b>Name of Beneficiary Population:</b> Myanmar returnees from Thailand   |   |
| <b>Main Goal:</b> To monitor the voluntary repatriation, protection and reintegration of returnees from Thailand as required.  |   |
| <b>Principal Objectives</b>  | <b>Related Outputs</b>  |
| <ul style="list-style-type: none"> <li>Should an internationally acceptable settlement be reached in 2004, initiate the organised voluntary repatriation of refugees from Thailand and establish inter-agency multi-sectoral reintegration &amp; reconciliation programmes for returnees, returned IDPs and vulnerable groups among the host community.</li> </ul> | <ul style="list-style-type: none"> <li>Repatriation planned and, if conditions allow, initiated in areas of origin of refugees, UNHCR protection monitoring in place.</li> <li>Reintegration projects implemented in a concerted and complementary fashion between UN and Non-Governmental agencies, under a UNHCR umbrella.</li> </ul> |

##### **Caseload/theme: 2**

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| <b>Name of Beneficiary Population:</b> Returnees and Vulnerable Groups in Northern Rakhine State |
| <b>Main Goal:</b> To promote the sustainable reintegration of vulnerable returnees.              |

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| <b>Principal Objectives</b> | <b>Related Outputs</b> |
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|---|---|
| <ul style="list-style-type: none"> <li>• Building on progress achieved on issues of concern, to reach a situation by end 2005 in which the most vulnerable can deal with their environment, in a dignified manner.</li> </ul> | <ul style="list-style-type: none"> <li>• Issues of concern do not lead to renewed population displacement and their impact on the population as a whole is reduced by Dec 2005.</li> <li>• The most vulnerable segments of the population achieve basic self-reliance.</li> </ul> |
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**Caseload/Theme: 3**

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| <b>Name of Beneficiary Population:</b> Human Rights Committee of Myanmar & senior government officials.   |   |
| <b>Main Goal:</b> Raise awareness among government officials of refugee and human rights law and build the capacity of the Human Rights Committee of Myanmar.                                     |   |
| <b>Principal Objectives</b>   | <b>Related Outputs</b>  |
| <ul style="list-style-type: none"> <li>• Develop UNHCR's promotion of refugee law programme in Myanmar as part of an exit strategy and to support the national reconciliation process.</li> </ul> | <ul style="list-style-type: none"> <li>• Further refugee, humanitarian law and human rights law workshops organised for government officials at central and local levels.</li> <li>• Formal and active cooperation established with the Human Rights Committee of Myanmar and various law faculties in the country, through joint projects, provision of administrative support, equipment, legal resource bases, training of trainers, etc.</li> </ul> |