



COUNTRY OPERATIONS PLAN

Country: Nepal

Planning Year: 2004

2004 COUNTRY OPERATION PLAN: NEPAL

Executive Committee Summary

Nepal is not a signatory to the 1951 Convention or the 1967 Protocol relating to the Status of Refugees. No national legislation relating to asylum-seekers and refugees exists. At the request of the Government of Nepal, UNHCR has been playing an active advisory, co-ordination and monitoring role in protection and provision of humanitarian assistance to refugees and persons of concern. In 2004, UNHCR will continue to ensure the basic rights of asylum seekers and refugees being respected in accordance with internationally recognised principles.

Context and Beneficiary Populations:

Bhutanese populations: The year 2004 will mark the 13th year since arrival of this population in Nepal. Solutions have been sought through bilateral negotiations between the Governments of Nepal and Bhutan. However, durable solutions for this population are still elusive. As the current policy of the Government of Nepal to first explore voluntary repatriation through the bilateral process and then determine other solutions, the camp population is fully dependant on external support from UNHCR and donor communities.

The Bhutanese asylum seekers and refugees, mainly of Nepali ethnic origin, began arriving during late 1991. The influx peaked in 1992. Upon request of the Government of Nepal, UNHCR and the World Food Programme (WFP) commenced a care and maintenance programme and distribution of food in 1992. Those who arrived prior to June 1993 were granted "prima facie" refugee status by the Government of Nepal. New arrivals, after that cut-off-date, were required to undergo Refugee Status Determination (RSD) carried out by the Nepalese authorities in consultation with UNHCR according to the internationally accepted standards. As of June 2003, a total population of 102,982 persons live in seven camps located in the Jhapa and Morang districts of Eastern Nepal. Following a recommendation of the WFP/UNHCR Joint Assessment Mission (JAM) in September 2003, a registration and population data validation exercise originally planned for the first half on 2003 is planned in the near future, possibly in early 2004.

The beneficiary population is estimated to be approximately 104,000 in 2004 considering the annual population growth (1.5 percent). This figure may be adjusted downward as durable solutions could be found for some of the populations towards the end of 2003.

Due to the prolonged stay in the camps, the problems of the refugees such as increased tension with local residents, depression, suicide, domestic violence, alcoholism, sexual and gender-based violence (SGBV) have become more pronounced. In 2004, UNHCR will therefore, put durable solutions in the forefront while intensifying protection, monitoring and strengthening the role of UNHCR and that of its partners in the delivery of humanitarian assistance. Particular attention will be paid to involve the growing number of youth idle in camps and who have completed their secondary education, in camp activities through strengthening community services. The youths will be involved in raising awareness on gender issues, children rights, prevention of SGBV and domestic violence.

Law and order are maintained by the Government of Nepal through the Refugee Co-ordination Unit (RCU) under the Ministry of Home Affairs. However, the overall security situation in the country has deteriorated in August 2003 after the collapse of the seven months long cease fire agreement between the Government of Nepal and Maoists rebels. The insurgency activities are increasing and a number of nation wide strikes are called. A police post established in Khudunabari camp was attacked in September 2003 killing a police officer in-charge of the post. This resulted in the withdrawal of all police forces from the camp, a major concern of all parties involved including refugees.

While the camp residents are not allowed to leave the camps, the Government of Nepal has shown flexibility and they are *de facto* permitted to move within the host country. They have no political rights but have access to the Nepalese judicial system.

While ensuring the overall programme management and strengthening monitoring activities, UNHCR will continue to encourage the refugees to engage in self-organised activities in camps through various empowerment activities including skills-training. UNHCR will maintain its focus on priority categories of beneficiaries (women, children, adolescents and elderly) and key sector activities. As part of the strategy to prevent and respond to sexual and gender based violence (SGBV), awareness activities including the High Commissioner's five commitments to refugee women will be further implemented.

With regular presence of UNHCR in the camps and reinforced monitoring activities, UNHCR will mobilise the existing operational structure including the involvement of the camp population in the day-to-day affairs of camps such as administration, service as teachers, health workers and camp maintenance workers. They will be also responsible for food distribution, water supply systems and maintenance of hygiene in the camps with increased participation of women. While activities such as shelter, latrine repair and food distribution are being carried out by the camp residents on a voluntary basis, nominal incentive payments will be made to those who render skilled and specialised works. Capacity building, including various training activities such as SGBV training and anti trafficking awareness will continue to be provided. In this regard, UNHCR will co-ordinate its activities with other UN agencies, especially UNICEF and ILO.

Joint Verification: The Joint Verification Team (JVT) started its activities on 26 March 2001 in Khudunabari camp. The verification of 12,092 individuals (1,933 families) residing in this camp was concluded on 14 December 2001. After more than one and half years of deadlock, the 12th Ministerial Joint Committee (MJC) meeting between the Governments of Nepal and of Bhutan was held in Kathmandu in February 2003. The two Governments harmonised their positions on four categories: Bonafide Bhutanese forcefully evicted; Bhutanese voluntary emigrants; Non-Bhutanese and Bhutanese who have committed criminal acts. They resumed the categorisation of the verified population of Khudunabari camp on 24 February 2003.

A month after the 14th MJC, the results of the verification and categorisation of the Khudunabari camp population have been made public on 18 June 2003. Only 2.34% of the camp population have been categorised as bona-fide Bhutanese citizens. General discontent was expressed by the population over the verification result and 94% of them appealed against the categorisation results. UNHCR shared its concerns over the results with the Government of Nepal, particularly regarding the appeal process that failed to be in accordance with internationally accepted standards and norms. The Office also expressed its concern over some cases of splitting of families in different categories, as well as the categorisation of entire families and children in category four (those who have committed criminal acts). The 15th MJC meeting, which was initially scheduled to take place in August 2003 has been postponed to October. It will review appeals and finalise the modalities of return.

UNHCR will continue to explore possible venues for achieving comprehensive solutions for Bhutanese populations. For those who are eligible and willing to return to Bhutan, UNHCR in co-operation with the Government of Nepal would verify their voluntariness. The Office is not granted its access to Bhutan and therefore UNHCR is not in a position to provide any assistance to returnees. For those who are not eligible to return, the Office will further discuss with the Government of Nepal for local integration, UNHCR will have to play an active role with countries within the region and that of donor countries to identify ways and means of achieving a comprehensive solution for the populations.

Tibetans: The Ministry of Home Affairs and the Department of Immigration are the main Government counterparts of UNHCR for the Tibetan caseload. Tibetans who arrived before 01 January 1990 have been granted permanent asylum by the Government of Nepal. With the understanding of the concerned authorities, Tibetans who arrived after 01 January 1990 are allowed to transit Nepal to a third country.

UNHCR will continue its facilitating role for newly arrived Tibetans by assessing their situation and ensuring that those declared of concern to UNHCR receive proper treatment and adequate assistance before proceeding to a third country. Efforts continue since 2002 to assist the Government of Nepal and the Ministry of Home Affairs to issue Refugee Identification Cards (RIC) to those Tibetans settled in Nepal who were not present during the census exercise in 1994-1995. Their children who are now eighteen and above and whose parents are holders of Refugee Identification Cards should also be issued a RIC.

Urban Caseload (Individual Cases): Individual asylum seekers of various nationalities are provided with counseling and protection by UNHCR, who also determines their refugee status. Those recognized under UNHCR's Mandate are usually tolerated by the Government of Nepal. They do not have the right to work and prospects for extended stay are therefore very limited. The only viable durable solution for this group remains resettlement to a third country, whenever voluntary repatriation is not feasible. In 2004, UNHCR will continue to extend protection and assistance to urban and Mandate refugees and assist them in the search for a durable solution.

Main Programme Goals and Principle Objectives

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| Name of Beneficiary Population: Bhutanese Populations | |
| Main Goal(s): Actively support and complement initiatives taken by the Government of Nepal to seek durable solutions for the camp population, while continuing to provide international protection and humanitarian assistance to them. | |
| Principal Objectives | Related Outputs |
| <ul style="list-style-type: none"> • UNHCR's involvement in discussion with concerned governments on durable solutions. • Protect and assist the population concerned while waiting for implementation of durable solutions. • Law and order is maintained in camps and refugees are treated by the host Government authorities with due respect to refugee rights. • Implement relevant UNHCR policies and guidelines related to the protection of refugee women and children, prevention and response to sexual and gender-based violence (SGBV). • Promote empowerment of the camp population and their active involvement in the camp management and assistance delivery. • Ensure continued maintenance of population records. | <p>Durable solutions (repatriation, local integration and resettlement) have been implemented by the concerned governments, reflecting UNHCR's principles and policies.</p> <p>Basic needs of the populations have been sufficiently met.</p> <p>Concerned populations enjoyed the international protection with acceptable standards.</p> <p>Specific needs of women and children have been addressed, incident related to SGBV minimised and prevented.</p> <p>Assistance services have been delivered with active participation of camp residents.</p> <p>Relevant data have been readily available for assistance delivery and for durable solutions.</p> |

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| Name of Beneficiary Population: Tibetan new-arrivals (in-transit) and Individual Cases | |
| Main Goal(s): UNHCR will provide protection and assistance to Individual cases and to Tibetans (new arrivals). | |
| Principal Objectives | Related Outputs |
| <ul style="list-style-type: none"> • New Tibetan arrivals of concern will benefit protection and assistance while transiting Nepal provided by the Tibetan Refugee Welfare Office (TRWO). • UNHCR will monitor the Tibetan refugee population and analyse whether special aid programmes will have to be developed for vulnerable groups amongst this population. • UNHCR will assist the individual cases as well as the asylum seekers, once recognised as refugees, they will be provided with protection against refoulement and if needed with assistance in the form of a living allowance pending a durable solution in each case. | <p>TRWO has covered needs such as accommodation, domestic needs, medical care, transportation and other services of the Tibetans in transit.</p> <p>The vulnerable have received special attention.</p> <p>Individual cases recognised by UNHCR under its mandate have received supplementary assistance on a case by case basis including monthly subsistence allowances, medical cost, legitimate fees for language and vocational training courses.</p> |