

## **Executive Committee Summary**

### **Country Operations Plan 2003 : TAJIKISTAN**

#### **Context and Beneficiary Population(s)**

##### ***Political context***

Tajikistan has in many respects benefited from the recent Afghan crisis. The country emerged from its relative isolation and has assumed a certain international recognition and importance in Central Asia. Increased foreign attention with the opening of the French, British and Japanese embassies and the increased presence of US diplomatic staff are some indicators of the more central role Tajikistan is playing in the region.

Similarly, the current climate has facilitated, if not pressured, the improvement of the relationship between Tajikistan and Uzbekistan, with the signing of several bilateral agreements covering, inter-alia, border crossing, energy and water sector and debt adjustment.

Due to events in Afghanistan and the geo-strategic importance of Tajikistan the donor community seems more willing to provide funding than before to respond to the deteriorating humanitarian situation.

##### ***Security Situation***

###### **Tajikistan:**

The general security in Tajikistan continues to improve, however there are some worrying signs that might hamper this process. Unemployment and a deteriorating socio-economic situation is giving rise to disillusion, in particular among the youth, and has a direct bearing on the likelihood and frequency of criminal activities.

Even though it has been reported by media that the total number of crimes committed in Tajikistan is decreasing, some specific crime types (theft), loosely linked to socio economic reasons are foreseen to increase in number. and could increasingly target foreigners as this group of potential victims are, to some extent, more vulnerable than Tajik citizens.

###### **Afghanistan:**

The ongoing activities, particularly in Northern Afghanistan, have an impact on the overall security situation in Tajikistan. However, the extent of the impact remains to be seen.

Among certain groups in Tajikistan there exists scepticism against the role of UN under a perceived US influence inside Afghanistan. Traditional cross border links between groups and people exists and "risks" of spillover effects should not be excluded.

Heavily dependant upon the issue of future governance of Afghanistan, the cultivation and cross border trade of illicit commodities, such as drugs, might be reduced. Estimated to an annual turnover of 2 billion USD (drugs only) in Tajikistan alone, any further development with regards to limitation of cultivation of drugs inside Afghanistan, will most certainly have a significant impact on informal economic structures in Tajikistan.

##### ***Protection Issues***

The Tajik Government's perception of the Afghans as a destabilising factor for the economic, social and political security of Tajikistan contributed to the worsened asylum climate in Tajikistan (2000-2001), which at the time of writing has not significantly improved despite the positive

developments in Afghanistan. Resolutions 323 and 325, which restrict rights of refugees, and resolution 324 requesting payment for refugee certificates still exist, although assurances have been given that Resolution 325 will only be applied to asylum-seekers arriving after the date of the adoption of the resolution, 26 July 2000. At the same time, provisions of Resolution 323 (restricted access to the national asylum procedure) have been incorporated in the draft Law on Refugees. The RSD procedures continue to remain suspended.

The Law on Refugees enacted before the adoption of the new Tajik Constitution (1996) was given as the excuse for the adoption of a new law, the draft of which violated the basic principles enshrined in the 1951 Convention. Concerted and consistent intervention by this office have resulted in some amendments being made .

The Government's reluctance in 2001 and 2002 to consider the admittance of approximately 10,000 Afghan displaced at the Afghan-Tajik border has been another manifestation of the worsened protection climate in the country. This situation is not unique, as other countries in the region with common borders with Afghanistan had also closed their border at the time of anticipating refugee influx from Afghanistan. Given the recent and positive developments in Afghanistan, a working group has been established with government authorities, Russian Border Forces, Tajik Border Forces, UNHCR, IOM and Merlin representing the NGO community to facilitate the return of the above mentioned Afghans in a safe, dignified and orderly manner. This population will no longer be of concern to UNHCR Dushanbe in 2003.

### ***UNHCR's Role***

UNHCR will continue to provide protection and material assistance to refugees and returnees in Tajikistan, ensuring that special needs of women, children, adolescents, elderly and the disabled are given priority consideration. The situation of ethnic and religious minority population (for example Baha'is in Tajikistan) will be monitored. NFIs will be procured in Tajikistan and will be sent to North-East Afghanistan in support of UNHCR's operations.

### **Refugees:**

**Repatriation:** In addition to the 10,000 Afghans at the border, it is planned that during 2002 approximately 1,000 persons will avail themselves of UNHCR's assistance. In 2003 the figure will essentially be dependent on the political (inc amnesty guarantees), security and economic conditions as well as level of assistance inside Afghanistan and it is estimated that between 800 and 1,000 persons will require UNHCR's assistance to voluntarily repatriate and will be provided transportation (through an implementing partner).

**Local Integration:** Out of the refugee caseload, which is mainly congregated in urban areas, a significant number are ethnic Tajiks, who arrived after the fall of Najibullah's government and have thus been in Tajikistan since 1992. A significant number have locally integrated (married Tajik Citizens, have had children who are considered Tajik citizens) to the extent possible. The Tajik Government has been reluctant to consider applications from Afghan nationals for Tajik citizenship citing national security as the main reason. However, in the current climate, with the envisaged solution of the island population and repatriation of some of the urban caseload, the government's attitude may hopefully change.

**Resettlement:** Will be pursued as a durable solution for women at risk, medical, family reunion and other deserving cases.

**Co-ordination:** All protection activities will be achieved by working closely with the Government of Tajikistan and at the same time enlisting the support of UN and international agencies and, when deemed appropriate with donor countries. The existing excellent working relations established with OSCE, ICRC, IFRC and other partners, including donor countries, will be maintained. Assistance activities will include health, education, income generation/skill training and subsistence allowance/cash grant which will be provided through signing sub-agreements with implementing partners.

**Tajik Returnees:**

There are 24,000 Tajik refugees in Central Asia: Kyrgyzstan - 7,098 (mainly ethnic Kyrgyzs), Turkmenistan - 12,635, and Kazakhstan - 4,100. In addition there are some 30,000 Tajiks of Uzbek ethnicity in Uzbekistan who do not have refugee status either from UNHCR or from Uzbek Government. Those wishing to return voluntarily will be assisted with transportation assistance and cash grant. It is estimated that 1,000, 400 and 1,800 Tajik refugees will voluntarily return from Kazakhstan, Turkmenistan and Kyrgyzstan respectively during 2003. The process of naturalisation of Kyrgyz ethnic Tajik refugees in Kyrgyzstan has been initiated and a small number has already received citizenship. It is expected it would gain further momentum during 2003, in which case the repatriation of Tajik refugees from Kyrgyzstan will fall to approximately (300 persons) who are non-Kyrgyz ethnicity. If the naturalisation process slows down approximately 1,800 Tajiks will repatriate.

The reintegration of returnees will be achieved through monitoring of the protection situation of returnees in close co-operation with OSCE and the local authorities. Appropriate reintegration projects in place of return will continue through implementing partners to ensure that returns are sustainable.

Discussions will be held with UN development agencies for handing over UNHCR's reintegration activities in the returnee areas as of the end of the planning year.

**Capacity Building of Government/NGOs:**

Special attention will be paid to legal capacity/institution building of Government, national NGOs, border/security forces, the police, the judiciary, University Law/ HR students, by provision of training (both within and outside Tajikistan), technical support and legal advice. The relevant government institutions will be assisted in creating appropriate legal framework, harmonise existing laws and enacting additional laws for the protection of refugees and reduction of statelessness. SMS will be provided the necessary support in ensuring correct registration and RSD procedures and the maintenance of accurate data.

**Emergency Preparedness and Response System:**

LO Dushanbe has the necessary emergency response capacity in terms of human resources created through various emergency trainings to the staff as well as contingency stock of Non-food items. Of the two warehouses, the one in Kurgan Tyube will be maintained throughout the planning year. UNHCR is, and will continue to be, part of the Rapid Emergency Assessment and Co-ordination Team (REACT) to which the relevant government body is also a member. REACT plays an important role in deliberations on technical matters related to humanitarian assistance.

A stock of Non-food items for 5,000 persons will always be maintained in Tajikistan to respond to unforeseen emergencies.

**Cross border Assistance:**

As in 2002, non-food items for approximately 10,000 persons will be procured in Tajikistan and will be sent to North-East Afghanistan for distribution by UNHCR Mazar/Kunduz to returnees/IDPs.

***Overview of each beneficiary population:*****Refugees:**

According to the State Migration Service (SMS) of Tajikistan, the total number of recognised refugees in Tajikistan as of the end of 2001 is 4,638 (urban caseload). Majority of them resides in the capital Dushanbe and over 400 persons live in the town of Khujand in the north. There is a small number of non-Afghan asylum-seekers and refugees: Iran - 5 refugees, Iraq - 1 refugee and 3 asylum-seekers, Russia - 4 refugees and 1 asylum-seeker. The 4 Iraqis are currently residing in Dushanbe, the others may have left Tajikistan. The actual number of the registered/recognised

refugees present in the country is believed to be lower, as around 1,000 individuals have reportedly left Tajikistan in fear of being affected by Resolution 325.

### **Tajik Returnees:**

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As mentioned above, in Kyrgyzstan UNHCR has initiated the process of obtaining Kyrgyz citizenship for refugees from Tajikistan. In case of a slowing down in naturalisation process, the UNHCR Office in Bishkek foresees repatriation of 1,800 Tajik refugees. If the process gains momentum, a small number (300 persons), probably of non-Kyrgyz ethnicity, are likely to repatriate during 2003. At the time of writing efforts are being made between the Governments of Kyrgyzstan and Tajikistan on concluding a bilateral Agreement on simplified procedures for Tajik refugees to obtain Kyrgyz citizenship and renounce the citizenship of Tajikistan.

### ***Policy Issues***

UNHCR will continue to provide protection and material assistance to refugees and returnees in Tajikistan, ensuring that special needs of women, children, adolescents, elderly and the disabled are given priority considerations:

- a) Provide legal and material assistance to Afghan refugees.
- b) Engage in constructive dialogue with the Government to seek to improve the protection climate for refugees and asylum seekers; Continue to provide necessary training on refugee law/HR law to relevant government bodies including the judiciary; continue to promote accession of the government to international instruments; provide necessary material assistance and technical support to SMS to ensure proper registration and RSD of refugees/asylum seekers and maintenance of accurate data;
- c) Pursue durable solutions through voluntary repatriation, local integration and resettlement of the Afghan and non-Afghan caseload. Co-ordinate with OSCE, IFRC, and IOM and other UN bodies on protection related issues;
- d) Continue co-ordination activities with UNHCR in countries hosting Tajik refugees and provide necessary support in the voluntary repatriation process.
- e) Monitor protection/restitution of rights of returnees with special focus on women and children. Provide necessary income generation and reintegration activities to ensure sustainability of the return. Hand-over of integration activities by end of 2003;
- f) Strengthen linkages with government, RBF, UN and other agencies;
- g) Provide cross border logistics support to Afghan operation, through supply of NFIs
- h) Maintain emergency response capacity with NFIs for 5,000 persons.
- i) Enhance PI activities to ensure public awareness of UNHCR's mandate and activities in the country generally and in preparation for UN Refugee day.
- j) Maintain the measures for the prevention of sexual exploitation of refugees.

### ***Linkages to other countries within a defined "situation"***

The UNHCR programme in Tajikistan is strongly linked with other UNHCR offices in the region. The links are related to:

### **Protection of Persons of Concern:**

Notwithstanding the recent positive developments in Afghanistan, the situation will need to be closely monitored for timely identification of population displacement towards the Afghan-Tajik border, in close co- operation with the Tajikistan authorities, RBF and OCMK.

Facilitation and promotion of Voluntary Repatriation for (i) Tajik refugees in close co-operation with respective offices in CIS countries and (ii) Afghan refugees in close co-ordination with the government of Tajikistan and OCMK.

Protection and legal assistance both for Afghan refugees in Tajikistan and other Central Asian countries and Tajik refugees in the republics of Central Asia needs to be harmonised to ensure better asylum policy in place, particularly on the issues of statelessness and naturalisation of the refugees, non-refoulement, registration, RSD procedures and training seminars for government officials.

***Presence of other UN agencies and international organisations***

UNHCR has been working closely with UN agencies and other international organisations in Tajikistan in promoting the protection of refugees and assistance activities for returnees to facilitate linkages and integration within the overall country development profile.

UNHCR is a member of the UN country team and the UN Security Management Team (SMT) and co-ordinates on issues of mutual concern with the sister UN organisations. UNHCR also has established excellent working relationships with OSCE, IFRC and IOM on the issues of rights of refugees and returnees.

UNHCR continues to maintain close co-operation with UN and other agencies in responding to any natural disasters/emergency situation and has assumed important role in the deliberation of Rapid Emergency Assessment and Co-ordination Team (REACT).

Regarding integration activities, UNHCR has implementing arrangements with WFP, UNOPS and also works in close contact with UNICEF, and UNDP in the framework of UNHCR's global agreement with these organisations. The policy of handing over of reintegration activities to relevant UN agencies and other international organisations is also being pursued. Such expectations, however, should be seen within the limitations of the overall socio-economic situation of the country.

UNHCR has developed good relations with the NGOs for the protection and assistance to refugees and IDPs, donors and Embassy representatives on matters of mutual interest and have received support as and when needed. This will be continuing in 2003.

**(b) Selected Programme Goals and Objectives**

Name of Beneficiary Population: Refugees, Repatriants and Asylum-Seekers	
Main Goal(s): Provide international protection and appropriate durable solution	
Principal Objectives	Related Outputs
Protect the rights of refugees and asylum-seekers and ensure implementation of Resolution 325 is in accordance with assurances of the Government, and Resolution 323 is not implemented. Pursue durable solutions through voluntary repatriation, local integration and resettlement.	Free access to the national asylum procedure is ensured. Forcible relocation of refugees is prevented. Documentation for asylum seekers/refugees has been ensured Negotiation on local integration initiated Resettlement to third countries for limited number of deserving cases has been explored  Standard laws have been enacted

<p>Harmonise the country laws with international instruments concerning refugees and asylum seekers and citizenship.</p> <p>Monitor protection standards</p> <p>Provide education facilities to Afghan refugee children.</p> <p>Provide assistance to vulnerables, elderly, women heads of household, disabled.</p> <p>Create self-reliance among women.</p> <p>Build capacity of Government/ local NGOs</p> <p>Create emergency response capacity.</p> <p>Assist voluntary repatriation of Afghan refugees</p> <p>Procure NFIs for transportation to Afghanistan</p>	<p>Procedure has been streamlined in dealing with citizenship Similar treatment has been given to asylum seekers/refugees in the region.</p> <p>Intervention has been made in cases of legal breaches by authorities</p> <p>Education is accessible to all Afghan refugee children in need</p> <p>Medical reimbursement and monetary assistance has been provided to all vulnerable cases</p> <p>Skill-development and income generation opportunities have been provided</p> <p>Awareness on the rights and privileges of refugees/asylum seekers has been created</p> <p>Trained staff to provide response.</p> <p>Staff trained to provide response as well as stock of NFIs in place</p> <p>Afghan refugees return in safety and dignity.</p> <p>Returnees basic NFIs need covered.</p>
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Name of Beneficiary Population:	
Tajik Returnees	
Main Goal(s): Facilitate Repatriation, Protection and Reintegration of Tajik Returnees	
Principal Objectives	Related Outputs
<p>Voluntary repatriation of residual cases from Central Asian States</p> <p>Continue reintegration and income generation projects for returnees</p>	<p>Contribution has been made towards further consolidation of peace.</p> <p>Population returning has been sustained Skill development and income generating opportunities have been created Smooth assimilation into host communities has taken place</p>

<p>Provide linkages with other organisations working in returnees areas.</p> <p>Hand-over of integration activities to UN development mandated agencies</p> <p>Monitor the protection and human rights situation of returnees</p>	<p>Better targeting ensured and duplication of assistance has been avoided</p> <p>Systematic phase-out of UNHCR involvement in integration activities achieved.</p> <p>Protection incidents and violation of the basic human rights of returnees are prevented Intervention with the Government on discrimination against minority groups and vulnerables has been made.</p>
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