



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2007

MYANMAR

COUNTRY OPERATIONS PLAN

MYANMAR 2007

Part I: OVERVIEW

1. Protection and socio-economic operational environment

Myanmar remains the largest refugee producing country in the region. UNHCR's presence and operations are therefore directed at prevention, through protection of vulnerable populations including returnees and stateless persons, and awareness-raising activities. UNHCR established its presence in Myanmar in 1994 in order to facilitate the voluntary repatriation and sustainable reintegration of 250,000 refugees who fled to Bangladesh in 1991-1992, and to mitigate the risk of a renewed population outflow. Since February 2004, UNHCR has had access to the Southeastern States and Division bordering Thailand, which are areas of potential return for Myanmar refugees in Thailand as well as internally displaced persons (IDPs) displaced by conflict.

Myanmar's economy is largely run, and strictly controlled, by the State Peace and Development Council (SPDC), and a significant share of the national budget is spent on the military. As a result, Myanmar continues to trail behind its neighbours and other ASEAN countries with respect to most economic and social indicators. The country ranks 129th on the Human Development Index 2003 (published in 2005) and 50th of 103 developing countries on the Human Poverty Index. According to the same source, Myanmar's health expenditure per capita is, at USD 30, the lowest in Asia. The involvement of international financial institutions and development agencies is seriously constrained by international sanctions and resulting mandate restrictions. Humanitarian aid – itself limited in volume and bound by restrictive government policies – cannot provide an adequate substitute for poor State social services, notably in the health and education sectors.

Humanitarian needs are particularly acute in border areas that have been plagued for decades by instability and armed conflict. Consequently, the remote areas in which UNHCR operates are characterised by underdevelopment and militarisation. Populations of concern are politically and socially excluded from the mainstream (in the case of Northern Rakhine State); and socially and economically marginalised (in the case of the Southeast). Furthermore, the latter area presents high security risks for UNHCR, implementing partner staff and commercial contractor workers, due to sporadic skirmishes between factions and the widespread presence of anti-personnel mines in former conflict areas. Incidents of banditry also occur in some areas, requiring extra precautionary measures with regard to travel.

Following the extensive government reshuffle in October 2004, the military regime has withdrawn into diplomatic isolation, despite efforts made by the UN and by ASEAN. As a result, the main constraints affecting the work of UNHCR and its partners relate to the authorities' deep distrust of anything perceived as 'foreign interference' in Myanmar's domestic affairs. In relative terms, the UNHCR-led operation in Northern Rakhine State (NRS) has been spared restrictions imposed on humanitarian work countrywide. Even so, while UNHCR and its implementing partners in NRS continue to enjoy full access and freedom of movement, self-financed health NGOs still face restrictions with regard to the deployment of

international staff.

The impact of the post-October 2004 political turmoil was felt more acutely in Southeast Myanmar. The Ministry of Home Affairs stopped issuing travel permits for UNHCR to visit Kayin State, Mon State and Tanintharyi Division end June 2005. Weeks later, the same Ministry informed UNHCR that it was no longer the government counterpart for activities in Southeastern Myanmar. This unilateral decision left UNHCR without any *locus standi* for the operation, without an interlocutor at the central government (though contacts were maintained at the local level), and without access to project sites, except for National United Nations Volunteers (NUNVs) and local staff of implementing partners based in the region itself. It was only in September 2005 that UNHCR managed to establish contact with the Ministry of Progress of Border Areas and National Races and Development Affairs (NaTaLa). UNHCR and NaTaLa are now in the throes of concluding a formal Memorandum of Understanding.

This COP is based on the following **assumptions** regarding UNHCR's working environment in 2007:

- Myanmar will not witness any major political change;
- Major donors maintain their current attitude of balance between humanitarian engagement and political pressure. The level of funding will remain at least at the current level;
- The working environment will remain constrained, even though UNHCR will enjoy a legal basis to work both in NRS and the Southeast; and
- UNHCR and its partners' capacity to absorb additional funds/ implement new activities will remain limited.

UNHCR's role is, for historical as well as practical reasons, of a different nature in NRS and in the Southeast, respectively. In **NRS**, UNHCR is the only agency capable of engaging the authorities on protection issues affecting returnees and stateless persons. The authorities clearly regard UNHCR as the "lead agency" in the operation. Operational partners need and appreciate the role UNHCR is playing in facilitating their movements and their operations generally. Only a few sectors of assistance remain under direct UNHCR budget, in view of their immediate connection with our protection objectives and our facilitating role. However, it is also recognized by all stakeholders that UNHCR is the natural coordinator of a multi-sector assistance programme, within which UN and NGOs provide essential services where government outreach is inadequate. Indeed, the UN Country Team's Strategic Framework document refers to 'UNHCR-led Operations' in NRS. This coordination role is essential, not least to ensure a systematic and consistent mainstreaming of age, gender and diversity considerations.

In **Southeastern Myanmar**, UNHCR is still in the process of positioning itself as a credible interlocutor with local authorities, gaining the trust of local communities, and establishing partnerships with the few humanitarian NGOs currently active in the region. In 2005, substantial progress was made in "mapping" these actors and identifying areas of particular vulnerability resulting from protection and/or assistance gaps. These findings are shared with the UNCT, which regards UNHCR's presence in the Southeast as critical for the emergence of a system-wide approach to addressing vulnerabilities resulting from displacement. Nonetheless, 2007 may still be early to talk of systematic coordination of humanitarian activities on the ground, and UNHCR will continue to rely on its own resources for the bulk of protection and assistance work required in the target communities.

UNHCR Myanmar will continue to coordinate closely with **UNHCR Bangladesh**. Regular exchanges of information on both sides of the border will allow for a smooth implementation of solutions for the refugee/returnee population. UNHCR will facilitate tracing and family reunions beyond the organised repatriation phase. Any deterioration of the situation in NRS will also be immediately communicated to UNHCR Bangladesh for necessary preparatory efforts to be made in case of a renewed outflow.

While the possibility of large-scale voluntary repatriation from **Thailand** in 2007 is unlikely, a common understanding, on both sides of the border, of the situation that has produced both external and internal displacement remains essential. Approaches to protection and solutions will continue to be discussed, not only between UNHCR offices in Myanmar and Thailand, but also between the UNCT in Myanmar and NGOs working on either side of the border.

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**. Efforts will continue to exchange information between the UNHCR Representations in Yangon and New Delhi on the situation in Chin State. UNHCR will pursue the possibility of undertaking a fact finding mission to Chin State in 2007 and conducting training for government officials in the area.

2. Operational goals and potential for durable solutions

The protection situation in the border areas in which UNHCR is operational remains generally difficult. The legal and procedural standards which UNHCR advocates for the protection of returnees, other stateless persons in NRS, and communities affected by displacement in the Southeast, are not immediately apparent to, or acknowledged by, the authorities on the ground. Within this challenging context, a two-track approach is recommended, combining protection interventions at both local and central levels with humanitarian assistance and community mobilization in several key sectors.

UNHCR's operational priorities in Myanmar are directly related to the following "pillars" of the Strategy for the Asia-Pacific Region as developed by the Regional Bureau:

Pillar One: Enhance protection, in particular through:

- Widening the humanitarian space for refugees and others of concern in the protection and durable solutions area at the national level (see Country Objectives I f, II a, II b and II c)
- Undertaking actions for stateless persons (see Country Objectives I c and I d)
- Undertaking and mobilizing actions for the internally displaced (see Country Objectives II a, II b, and II c)
- Promoting human rights (see Country Objectives III a, and III b)

Pillar Two: Find solutions with a special focus on protracted situations, in particular through:

- Facilitating voluntary repatriation and assisting returnees towards reintegration (see Country Objectives I a, I b, I c, I d, I e, and I f)

- Identifying obstacles to the safe and dignified return of refugees and displaced persons, addressing them in close cooperation with other actors, and eventually paving the way for their return (see Country Objectives II a, II b, and II c)

Pillar Four: Raise public awareness, in particular through:

- Increasing UNHCR's visibility (see Country Objectives III a and III b)

Pillar Five: Increase co-operation with regional and national actors on emergency preparedness and response, in particular through:

- Developing specific areas of cooperation with national/regional actors on emergency response and preparedness (see Country Objective III c)

This COP is organised around two beneficiary populations and one theme, for which the main **Country Objectives (COs)** are the following:

I. Returnees and Other Stateless Persons in Northern Rakhine State

CO I (a) To facilitate the ongoing voluntary repatriation of refugees from Bangladesh and to assist returnees with their initial re-establishment in NRS, with particular attention to the needs of women and children.

CO I (b) To protect and monitor the returnees from Bangladesh as well as the entire stateless population of NRS in order to mitigate the likelihood of any renewed outflow through targeted and sustained interventions on public policy and governance issues affecting the stateless population.

CO I (c) To promote systematic registration, including birth registration, and personal documentation of the stateless population as a first step towards a legal status and eventual conferral of citizenship.

CO I (d) To educate and further develop the capacity of the NRS population to communicate in Myanmar language as an integration tool and as a means towards greater empowerment.

CO I (e) To promote the empowerment of women through the dissemination of appropriate reproductive health practices; support Community Centres in order to maintain initiatives to empower women, elderly persons and children and to ensure increased ownership by the community.

CO I (f) To provide logistical support and to manage communications, coordination and data-basing tools for the benefit of the humanitarian community at large.

The **AGDM** roll-out in the region, and its impact on participatory assessment in NRS and for 2006 programme adjustments, was discussed during the COP/planning retreat, which professional staff held 29-31 January, 2006. Regarding the NRS operation in particular, it was decided to intensify the search for female Community Extension Workers (CEWs), who serve as UNHCR's protection antennae on the ground. Further, it was decided to follow a limited number of groups under the UNHCR/UNOPS Income Generation Project and their spouses over a period of time to assess the gender impact of micro-financing. UNHCR Myanmar will also

introduce gender components in basic Myanmar language courses and build AGDM into the gaps analysis exercise conducted with partners. The AGDM “systematization” form was used to capture the needs and perceptions of [school] children.

Extra-budgetary resources

It is hoped that UNHCR Myanmar will be able to rely on a flexible mechanism for the allocation of extra-budgetary resources in order to accommodate, in 2007, any new activities that may be

- decided during the course of 2006;
- funded with earmarked donor support; and
- deemed necessary to strengthen UNHCR’s leadership and coordination role in NRS, including UNHCR ‘bridging funds’ to fill gaps in assistance until another partner gets fully operational and/or funded.

Such activities could include:

1. An Inter-Agency project focusing on protection and empowerment of women, children and adolescents;
2. A project on universal documentation of stateless persons in NRS (pending go ahead from the Government), triggering a special effort of UNHCR and IND in 2006 and 2007. The cost of an 18 month additional project on personal documentation is currently estimated at USD 350,000 – 450,000.

Sustainability and exit strategies

The UNHCR-led humanitarian operation in NRS can be seen as the basis of a protection and livelihoods support framework that can be sustained beyond a UNHCR presence.

Relevant components of an exit strategy have been UNHCR’s provision of training in Human Rights Law and Refugee Law for officials and, above all, the facilitation of an increase in international presence in NRS (3 UN agencies and 9 international NGO’s are currently active within the programme). However, due to the political climate in general, and the operating environment including travel restrictions to NRS for international NGOs, it was not possible in 2005 to actively promote the involvement of additional partners. UNHCR is also raising the need for continued humanitarian assistance and monitoring of protection concerns. It is clear that the engagement on behalf of the stateless population in Northern Rakhine State is a multi-year process.

II. Communities affected by displacement in Southeastern Myanmar

CO II (a) To establish a roving presence in the area with a view to collecting/analyzing essential protection data, planning community-based responses and preparing UNHCR interventions, as appropriate.

CO II (b) To increase the absorption capacity of communities of origin for an eventual repatriation of refugees from Thailand and/or return of IDPs.

CO II (c) To rehabilitate and enhance basic services in communities affected by displacement and conflict.

CO II (d) To develop relationships with local and international partners operational in the Southeast with a view to building trust and forging partnerships to collectively address the plight of communities affected by displacement.

These objectives constitute Phase I of UNHCR's Plan of Action designed in 2005. **Phase II**, which should be initiated as soon as political conditions allow, consists of the following objectives:

- To consolidate and build upon the roving protection presence established since 2004
- To further implement community-based projects and maintain the dialogue with local communities
- To undertake conceptual planning for repatriation through collecting and analysing baseline data
- Prepare a detailed repatriation plan and secure returnee rights
- Mark mined areas and to the extent possible carry out de-mining
- Repatriate refugees
- Reintegrate refugees and IDPs

In 2007, assistance will be consolidated and built upon the achievements of previous years' activities. Since 2004, activities have been directed at rehabilitation of basic infrastructures by filling the gaps in the most fundamental sectors. While earlier activities were very much delivery-driven, activities in 2007 will be gradually more community-driven and incorporate livelihood opportunities into the ongoing programme. These projects will also facilitate dialogue with a wider segment of the local population with a view to mainstreaming age, gender and diversity considerations.

Phase II of the Plan-of-Action should be initiated as soon as political conditions allow, i.e. the signing of an internationally acceptable agreement between the Myanmar Government and armed opposition groups. Phase II activities would necessitate a substantial increase in financial and human resources to meet operational needs. From the onset of the reintegration programme in the Myanmar-Thailand border areas, development agencies will be actively encouraged to undertake medium- to long-term activities, in accordance with UNHCR's 4Rs and relief to development policy. This will pave the way for UNHCR's eventual exit strategy.

It should be noted that, even in the absence of large-scale repatriation from Thailand, durable solutions must be found for the internally displaced. Likewise, those communities that have been affected by displacement – including those likely to witness a significant return movement of IDPs - must be able to benefit, in the longer term, from national recovery and reconstruction plans and to enter the mainstream of national development. It is UNHCR's hope that its efforts will eventually feed into a broader collaborative approach of the UN system to resolving the issue of internal displacement. While discussions within the UNCT point in this direction, the overall political context is clearly not conducive to engaging the Government in this discussion at this stage.

III. Theme: Promotion of Human Rights and Refugee Law, UNHCR's Mandate, and Emergency Preparedness

CO III (a) To raise awareness among selected government officials on the mandate of UNHCR, the protection of stateless people, refugee and human rights law.

CO III (b) Through the use of Myanmar experts, to develop links with Law faculties and promote teaching and research in refugee law and related fields

CO III (c) To engage with national actors on emergency preparedness and response, in particular within the context of co-operation with the ASEAN Disaster Management Committee.