



South Asia

Major developments

In Nepal, the overall security situation deteriorated in 2003 after the resumption of hostilities between the Government forces and the Maoist rebels. The United Nations security Phase III was declared in the area of UNHCR operations. There was a risk of Maoist infiltration of the refugee camps as a consequence of increasing frustration among refugees alienated by the lack of progress in the bilateral process between Bhutan and Nepal. The High Commissioner is extremely concerned that a prolongation of this refugee situation could constitute serious human rights violations and a failure by the Office to fulfil its mandate. At the opening of the 54th Executive Committee session in September 2003, he urged all States concerned, including Bhutan and Nepal, to resolve the stalemate keeping over 100,000 people in the camps in Nepal. He pointed out that UNHCR had not been able to participate in the bilateral solution process, nor had it been granted access to the areas of potential return in Bhutan.

The High Commissioner announced that UNHCR would gradually reduce its direct involvement in the camps by the end of 2005. In December 2003, camp

Bangladesh

India

Myanmar

Nepal

Sri Lanka



residents were apprised of conditions of return by the Bhutanese leader of the Nepal-Bhutan Joint Verification Team. The refugees responded violently to the announcement of the conditions, which would make most returnees de facto stateless persons. The bilateral process between the two countries was consequently suspended.

Owing to the stalling of peace talks between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) after April 2003, and the political crises within the Government, donors are currently negotiating alternative mechanisms for the release of adequate funds. Meanwhile, the ceasefire agreement signed in February 2002 was largely respected throughout 2003. There was also an uninterrupted flow of IDPs returning spontaneously to and within the north and east of Sri Lanka, and over 1,000 refugees were assisted to repatriate from India.

Challenges and concerns

One of UNHCR's main challenges in the region remains the resolution of protracted refugee situations. The relevant populations – the largest being

the 100,000 Bhutanese in Nepal and the 19,700 Myanmar Muslims in Bangladesh – have lived under temporary asylum for more than a decade. The institutionalization of UNHCR's assistance appears to have created an obstacle to possible solutions as refugees, and, to a certain extent the host countries, have become dependent on international assistance for such prolonged periods. The need for a comprehensive solution to these undeniably complex situations was a major focus of discussion at various fora during the course of 2003. It became increasingly clear that UNHCR would be unable to resolve these problems without persistent and concerted efforts on the part of the international community.

The effect of geopolitics on the region, especially the focus on national security, presented another challenge for UNHCR in terms of securing adequate protection of refugees by countries in the region. Although all of these countries have traditionally been hospitable towards asylum-seekers and refugees and provided them with temporary asylum, none is a signatory to the 1951 Refugee Convention nor its 1967 Protocol. Under these circumstances, the enactment of national refugee legislation is still high on UNHCR's agenda.

Progress towards solutions

In the protracted Myanmar refugee situation in Bangladesh, UNHCR intensified its dialogue with both countries. As a result, the Government of Myanmar eliminated all the procedural difficulties which had previously barred the return of some refugees. During 2003, 3,231 refugees voluntarily returned to Myanmar, marking the highest return rate since 1998. UNHCR believes all refugees who genuinely wished to return have already done so. Although repatriation remains an option, the Office is not in favour of prolonging the status quo, with the refugees completely dependent on direct international assistance. UNHCR submitted to the Government of Bangladesh a proposal for self-reliance projects for the remaining camp residents. UNHCR awaits the Government response.

In Sri Lanka, UNHCR further strengthened its operational capacity, making use of the increased funding from several donors. Field presence was expanded so as to monitor the human rights situation more closely in priority areas of return. Assistance activities were enhanced in order to bridge gaps between resolution of the immediate needs of returnees and envisaged development activities. Since the ceasefire agreement in February 2002, 345,734 IDPs returned to their areas of former residence. During the same period, 5,964 refugees returned from India

(some organized movements, some spontaneous). UNHCR facilitated the small-scale organized return.

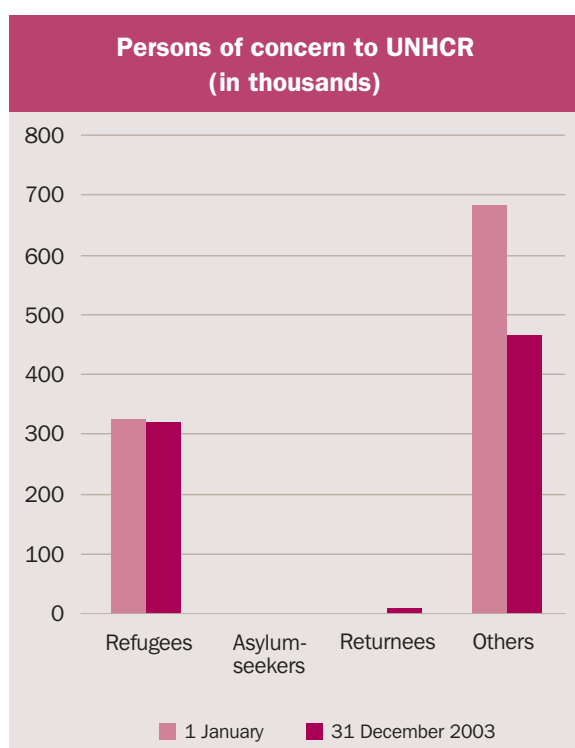
The need for the introduction of refugee-specific legislation is increasingly being acknowledged by interlocutors in the Government of India. UNHCR encouraged this line of thinking by means of activities aimed at key audiences in academia, NGOs, security institutions, and the media. The actual protection environment for most of UNHCR mandate refugees improved to some extent and more than 95 per cent of the refugees continued to have access to residence permits. The incidence of detention and other serious protection problems was reduced.

Operations

UNHCR operations in **Nepal** and **Sri Lanka** are described in separate country chapters.

At the end of 2003, 19,700 refugees still remained in two camps in **Bangladesh**. This represents seven per cent of the original camp population, of which the majority had returned to Myanmar by 1997. As the current refugee population, which is still dependent on international assistance, is likely to remain in Bangladesh for the next few years, a self-reliance programme was proposed. However, in 2003, government policy was still centred on repatriation. After the Myanmar Government approval rate for returns had increased, UNHCR started receiving reports of physical and psychological intimidation by the camp authorities, intended to force refugees to return. UNHCR intervened repeatedly at all levels and strengthened its protection monitoring by increasing its staff resources. Following the recommendations of auditors, UNHCR streamlined assistance activities in the camp. In addition, the Office contributed to building local capacity within the government health service.

In **Myanmar's** Northern Rakhine State, the presence of UNHCR continued to play a crucial protection role, facilitating the sustainable reintegration of a large number of Muslim returnees. The programme concentrated on ensuring respect for their rights as well as improving their ability to cope with adverse living and economic conditions. Special attention was given to vulnerable groups among the 235,000 returnees, in order to preclude the potential risk of renewed population movement. Throughout 2003, UNHCR maintained an active dialogue with the





India: An Afghan refugee making a living by baking traditional bread in New Dehli. UNHCR/S. Akbar

authorities, both in the capital and in Northern Rakhine State. Discussions focused on the practices of compulsory labour and contributions, which have a negative impact on the stability of returnee populations. Although the overall frequency of such practices continued to decline, incidents were reported to UNHCR in 2003. These were systematically assessed and brought to the attention of the authorities.

During 2003, UNHCR initiated a new programme activity to deepen understanding of the principles of international human rights law and refugee law among officials who deal or may deal with problems of population migration and displacement. In partnership with a government institution, UNHCR organized three five-day intensive workshops. The workshops dealt with a range of issues including refugee protection and durable solutions, statelessness, human trafficking and the protection of civilians in internal armed conflict. The workshops were conducted in Myanmar language with experts from the department of law at Yangon University. UNHCR sponsored two such experts under a train-the-trainers programme at the International Institute of Humanitarian Law in Italy. UNHCR staff

also assisted the workshops and took part in the debates, group discussions and case studies.

India continued to host a large number of refugees of Tibetan and Sri Lankan Tamil origin as well as refugees recognized under UNHCR mandate, mainly from Afghanistan and Myanmar. There was an overall reduction in the refugee population under UNHCR mandate from 12,746 to 11,493 by the end of 2003. Although the absence of a legal framework for refugee protection remained an obstacle in managing refugee matters, cooperation at a practical level with the authorities improved during the year. There were no cases of *refoulement* of refugees. UNHCR continued to focus on durable solutions. UNHCR assisted the return of 1,092 Sri Lankan refugees in an operation closely coordinated with the Indian regional Government of Tamil Nadu and the Government of Sri Lanka. UNHCR also facilitated the return of 194 mandate refugees mostly from Afghanistan; and 746 mandate refugees were resettled. Although greater attention was paid to the naturalization of Afghans of Indian origin, progress was slow due to a cumbersome application process. Mandate refugees continued to have access to subsidies provided by UNHCR as well as to national

institutions providing education and health care. A safety net was in place for vulnerable groups in need of financial and other forms of support.

UNHCR protection and assistance activities have increasingly been mainstreamed in terms of gender and age. This includes fast-track processing of vulnerable cases, including rape victims; gender-sensitive refugee status determination; population data with a gender and age breakdown; encouraging enrolment of both boys and girls not only in primary education but also lower and higher secondary education; introduction of SGBV training and follow-up

on such cases; and access to income-generating activities for Afghan women in a secure environment.

Funding

UNHCR operations in South Asia, particularly in Myanmar and Sri Lanka, were well funded in 2003 with earmarked contributions from several donors. Other operations were funded through broadly earmarked contributions or a reallocation of resources within the region.

Voluntary contributions - Restricted / Earmarked (USD)

Earmarking ¹	Donor	Annual programme budget		Supplementary programme budget	
		Income	Contribution	Income	Contribution
South Asia					
	Japan	2,400,000	2,400,000	0	0
	Norway	2,160,467	2,160,467	0	0
	United States of America	2,168,000	2,168,000	0	0
India					
	Italy	228,050	228,050	0	0
	Private donors Italy	153,661	153,661	0	0
	UK for UNHCR (GBR)	54,888	54,888	0	0
	United States of America	35,170	35,170	0	0
Sri Lanka					
	Australia	0	0	222,222	222,222
	European Commission	27,600	0	4,446,978	4,446,978
	Germany	430,571	430,571	0	0
	Japan	750,000	750,000	1,250,000	1,250,000
	Private donors Switzerland	1,000	1,000	0	0
	United Kingdom	0	0	763,462	763,462
	United States of America	2,050,000	2,050,000	2,000,000	2,000,000

Earmarking ¹	Donor	Annual programme budget		Supplementary programme budget	
		Income	Contribution	Income	Contribution
Myanmar					
	Norway	1,146,132	1,146,132	0	0
	Switzerland	74,074	74,074	0	0
	United Kingdom	793,651	793,651	0	0
	United States of America	300,000	300,000	0	0
Nepal					
	European Commission	1,028,571	1,028,571	0	0
	Florindon Foundation, Switzerland	44,742	44,742	0	0
	Germany	293,427	293,427	0	0
	Japan Association for UNHCR	25,000	25,000	0	0
	<i>Shin-Nyo-En</i> Foundation (JPN)	67,227	67,227	0	0
	United States of America	127,000	127,000	0	0
Total		14,359,231	14,331,631	8,682,662	8,682,662

¹ For more information on the various earmarkings, please refer to the donor profiles.

Budget and expenditure (USD)						
Country	Revised budget			Expenditure		
	Annual programme budget	Supplementary programme budget	Total	Annual programme budget	Supplementary programme budget	Total
Bangladesh	2,748,763	0	2,748,763	2,694,904	0	2,694,904
India	3,065,614	0	3,065,614	2,870,395	0	2,870,395
Myanmar	4,072,943	0	4,072,943	4,069,947	0	4,069,947
Nepal	5,884,592	0	5,884,592	5,747,055	0	5,747,055
Sri Lanka	6,429,483	7,997,214	14,426,697	6,321,284	7,636,354	13,957,638
Regional projects ¹	14,200	0	14,200	14,200	0	14,200
Total	22,215,595	7,997,214	30,212,809	21,717,785	7,636,354	29,354,139

¹ Includes activities for refugee law dissemination in South Asia.

Note: The Supplementary programme budgets do not include a 7 per cent charge (support costs) that is recovered from contributions to meet indirect costs for UNHCR.