



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country : Libya

Planning Year : 2006

2006 Libya Country Operations Plan

Part I: Executive Committee Summary

(a) Context and Beneficiary Populations

Political context

As in past years, Libya will most likely continue to depend, in 2005, almost exclusively on oil production for its economic development. During the 1980's, the high oil revenue, in addition to the ambitious industrial and agricultural development programmes launched by the Libyan Government, tempted a very large number of citizens from neighbouring countries to seek employment and economic opportunities in Libya. Since then, the country has been extending a relatively flexible admission policy to Africans and Arabs.

Amongst a population of 5 to 6 million people, some 30% are estimated to be foreigners, the majority of whom originate from the African and Arab countries, such as Sudan, Chad, Egypt, Somalia, Palestine, Tunisia, Morocco and Algeria.

At present, Libya is an observer of the Barcelona Process, and is present as such at the Foreign Affairs Ministerial meetings, at high-level political dialogue meetings, and at the Euro-Med committee. The EU has already initiated a dialogue on how best to incorporate Libya into its 'neighborhood policy'. The dialogue is pursued within a conditional framework as well as possible engagement in selected areas of interest within a defined bilateral strategy.

Protection issues

Although Libya is not yet a signatory to the 1951 Convention and its 1967 Protocol, it has signed and ratified the OAU Convention of 1969. The Government has not yet developed a specific administrative structure to deal with refugees and asylum seekers and there is not yet any national legislation to determine refugee status.

Libya is a country of destination and transit for migrants because of the opportunities offered by its large oil based economy and because it is a departure point for Europe. Libya's "open door" policy toward Africans and Arabs also precipitated, over the last decade, a significant number of nationals from these origins to seek employment in the country. Libya reportedly hosts approximately 2 million foreigners (accurate figures are not available). Many of the foreign workers are reportedly illegal immigrants. However, among the many migrants living in Libya or passing through the country there are scores of people who were believed to have fled their countries to escape persecution and/or insecurity. The challenge for the authorities is, therefore, the development of an effective migration management system that entails *inter alia* minimum standards of treatment for migrants, including undocumented migrants and which also makes the requisite distinctions between individuals seeking economic betterment and those in genuine need of protection. Current *ad hoc* migration control measures do not make any such requisite provisions for potential asylum-seekers and/or refugees who are part of the composite migration flows.

The Libyan Government actually continues to consider refugees and asylum seekers as foreigners residing in Libya without any specific distinction. Such an environment does not provide for solid safeguards for persons in need of protection and occasionally may result in the deportation of people of concern to UNHCR.

UNHCR will actively pursue its efforts in 2005 to reach a legal framework towards protection and assistance of refugees and asylum seekers with the Libyan Government, by signing a Co-operation Agreement. The latter should serve as a basis for developing concrete and constructive dialogue with the local authorities regarding the implementation of the OAU convention, the management of the nexus between migration and asylum and the accession to the 1951 Convention and its 1967 Protocol, while providing the office with a better stand to achieve its mandate.

UNHCR's role

UNHCR will continue to be responsible in 2006, for the protection of refugees registered with the Office and the overall coordination of the UNHCR operation. Should a Cooperation Agreement be concluded with the Government, the latter will be fully associated to these responsibilities.

In 2006, the implementation of the programme will be entrusted to the partners such as the AL-Wafa Charity Association, while UNHCR Office will retain the direct implementation of the protection component. Coordination of implementing and other operational partners will be carried out through regular strategic planning and review meetings and workshops, aimed at promoting synergies between the stakeholders and common visions vis-à-vis needs addressing and durable solutions. In line with the Office burden-sharing policy, implementing partners will be actively encouraged to contribute to selected sectors where gaps might be identified in the course of the year.

The selected implementing partners will be responsible, under the overall coordination and guidance of UNHCR, for assessing the needs and resources of the most vulnerable refugees and for providing them with time-limited basic care and maintenance assistance and/or self-reliance support pending durable solutions.

UNHCR signed PARinAC agreements with Libyan NGOs such as the Ghaddafi International Foundation for Charity Associations (GIFCA), the World Islamic Call Society (WICS), the Wa-atasmo (previously named Aisha) Charity Association, and the International Organization for Peace, Care, and Relief. These partners have been, so far, more inclined to assist refugees outside Libya as demonstrated by the joint ventures (UNHCR and GIFCA in Pakistan and Chad, and UNHCR and WICS in Guinea) carried out over the last three years.

Throughout the year, the specific needs of refugees will continue to be derived through needs/resources assessment exercises to be carried out by the Implementing Partners, in conjunction with UNHCR and Refugee Committees. Refugee committees will be largely associated to all the stages of the process, ensuring that refugee women are adequately represented and that initiatives and proposals from the refugees were given due consideration.

UNHCR assures reception of asylum seekers and processing of their refugee status applications. UNHCR will continue to protect and provide basic assistance to the most needy and vulnerable mandate refugees. It will also explore all opportunities available for voluntary repatriation, socio-economic empowerment and selfreliance/ local integration, with a view to phasing down gradually the refugees' protracted dependency vis-à-vis the care and maintenance support provided by UNHCR over the past decade.

UNHCR will pursue its efforts towards local capacity building, awareness-raising, advocacy and other promotional activities for its local operational partners as well as relevant actors such as parliamentarian institutions, government bodies, non-governmental organisations, academic and research institutions, and civil society. In 2005, the Office is planning to organise, jointly with the Gaddafi International Foundation For Charity/Association for Human Rights, workshops on Humanitarian and Refugee Law as part of its objective for local capacity building.

Overview of beneficiary populations

At early 2005, there were 12, 166 Mandate refugees registered with UNHCR in Libya. In 2004, an estimated 539 cases, the majority of which consisted of applicants from Somalia, Liberia, Eritrea, Ethiopia and Sudan, were newly registered with the UNHCR Tripoli.

In January 2005, there were approximately 2900 Somali refugees and some 250 other African refugees registered with the UNHCR Office and living in urban areas mainly located in Tripoli. Most of the refugees reside in Tripoli in rented accommodations.

The total Palestinian refugee population at the end of 2004 numbered 8, 873 individuals out of a total refugee population of 12, 166 individuals. The gender breakdown within the Palestinian refugee population was as follows: 3, 929 individuals comprised the total female population, while 4, 944 individuals comprised the total male population.

The 2006 refugee operation and programme is therefore being planned on the basis that UNHCR will continue to receive a steady flow of new applicants for refugee status.

Policy issues

The UNHCR policy on refugees in urban areas will continue to serve, in 2006, as a guiding tool for the development of specific parameters and criteria for protection, assistance and durable solutions in Libya. The appropriate understanding and endorsement of such a central policy by Government counterparts, NGO operational partners and refugees themselves would continue to be one of the main challenges in 2005 for strengthening the programme reorientation from the current protracted care and maintenance assistance towards self-sustainability and durable solutions. Only the most vulnerable refugees will be supported with subsistence allowances, which will be time-limited and granted pending the engagement of the beneficiary in durable solution options.

The Office will pursue efforts to promote self-sustaining activities by establishing a Revolving Fund to support micro-credit initiatives and by creating additional co-financing windows with its partners.

The conclusion of a Memorandum of Understanding with the Libyan Government is imperative, particularly where, as in the case of Libya, refugees are increasingly part of a broader mixed or composite migratory flow and where *ad hoc* migration management policies do not provide for the identification of and proper response to the needs of asylum-seekers and refugees, including access to protection.

UNHCR policies regarding women/gender equality, environment, children and refugee participation /empowerment will continue to be mainstreamed in UNHCR protection and assistance activities throughout the project cycle.

The UNHCR Agenda for Protection, the framework for Durable Solutions and the policy on refugees in urban areas will continue to serve, in 2006 and beyond, as a guiding tool for the development of specific parameters and criteria for protection, assistance, and durable solutions for the urban refugee caseload in Libya. The appropriate understanding, endorsement of and involvement in such a central policy by the relevant stakeholders, including the Government counterparts, NGO operational partners, and refugees themselves would continue to be among the main challenges in 2006 and beyond. Within the social, economic, and political context that prevails in Libya and in line with the above-mentioned policies, the needs identified for 2006, as a result of joint assessment/planning exercises, typically involving all stakeholders, will, therefore, continue to focus, in 2006, on durable solutions. Voluntary repatriation, local integration and resettlement would be promoted and used strategically in relation to one another, mobilizing development assistance and inputs from other partners that will enhance refugee self-reliance and programme sustainability. Only the most vulnerable refugees will be supported with subsistence allowances, which will be time-limited and granted pending the engagement of the beneficiary in one of the durable solution options.

UNHCR will also pursue its efforts towards local capacity building, awareness raising, advocacy, and other promotional activities for its local implementing and operational partners as well as relevant actors such as parliamentarian institutions, government bodies, non-governmental organizations, academic and research institutions, and civil society.

Linkages to other country operations

As appropriate, UNHCR Tripoli will pursue a close co-ordination with UNHCR offices in the Middle East and North Africa on various aspects of protection and assistance. More specifically, Refugee Status Determination and resettlement procedures will continue to be harmonized with UNHCR offices in the relevant neighbouring countries hosting, inter alia, Palestinian and Somali refugees. Information on irregular movers and resettlement procedures will be shared with the Offices facing similar situations.

Capacity and presence of partners

During 2005, the operational partners will continue to receive extensive support aimed at coaching and training their staff, thus ensuring a better protection of refugees

and delivery of quality programmes. The selected implementing partners will be responsible, under the overall co-ordination and guidance of UNHCR, for assessing the needs and resources of the most vulnerable refugees and providing them with time-limited basic care and maintenance assistance pending durable solutions.

In addition to its operational partners, UNHCR also signed PARinAC agreements with Libyan NGOs such as the Gaddafi International Foundation for Charity Associations (GIFCA), the World Islamic Call Society (WICS) and the Wa-atasmo (previously named Aisha) Charity Association. These partners have been, so far, more inclined to assist refugees outside Libya as demonstrated by the joint ventures (UNHCR and GIFCA in Pakistan, UNHCR and WICS in Guinea and Wa-atasemo in Sudan) carried out over the last three years. For these reasons, it is a challenging task for UNHCR Tripoli to involve them significantly in in-country refugee activities. It is to be noted that international NGOs are not present in Libya.

Presence and roles of other UN and international organisations

UNHCR Tripoli will continue to actively participate in the UN inter-agency forum (UNDP, UNICEF, WHO, FAO), within the Resident Coordination system, in order to explore opportunities that could benefit refugees and persons of concern. Initiatives to integrate refugees in relevant national projects supported by UNDP, UNICEF, and WHO will be pursued. Operational linkages will be further developed with other UN and bilateral operations available, aimed at bridging the gaps in the relief-to-development continuum, phasing down UNHCR's assistance, and integrating the "refugee services" into the relevant local structures (education, health...) and the national development programmes. In this regard, the Office will ensure that the UN Millennium Development Goals equally apply to refugees. As appropriate, the Office will participate in the various joint initiatives and coordination processes that take place within the UN Country Team, such as the elaboration and implementation of the Country Strategy Note (CSN), the Common Country Assessment (CCA), and the United Nations Development Assistance Framework (UNDAF).

In addition, the Office will actively participate in the UN Coordination Mechanisms between UNDP, UNICEF, UNHCR, WHO and FAO and will contribute, as appropriate, to the activities undertaken within the UN Coordination System. The objective of the Office will be to explore systematically areas for co-operation with development-oriented agencies (bilateral and multilateral) present in the country and to establish operational linkages at the earliest stage between refugee and development projects. More specifically, and as initiated in 2002, national programmes such as those related to public health (HIV/AIDS, drug control, polio eradication, other vaccination campaigns...), gender, children or education would continue to be solicited to include refugees in their target populations. Similarly, the inclusion of a proportion of refugees into relevant projects (e.g. vocational training or income generation) carried out by development agencies would be actively advocated for. Bilateral agencies would be also solicited to participate in funding of UNHCR self-reliance projects, including vocational training scheme, and of relevant UNHCR-sponsored seminars/workshops.

(b) Selected Programme Goals and Objectives

In line with UNHCR's Global Objectives and the regional strategy developed by the Regional Bureau, the following are the overall strategic goals of the 2006 country operation:

- Conclusion of a Memorandum of Understanding with the Government of Libya;
- Protection of refugees within broader migration movements and protection and assistance for urban refugees and asylum-seekers on the basis of assessed needs (HIV/AIDS);
- Enhancement of the refugee protection environment and qualitative improvement in protection delivery: Deliver mandated protection and assistance services for refugees in Libya in 2006 to enhance their security and material welfare, focusing particularly on the policy priorities relating to women and children, and refugees with special needs;
- Promotion of durable solutions: Vigorously pursue all feasible initiatives and opportunities for durable solutions for refugees, including enhancing their in-country coping abilities through the sustained reorientation of the overall programme towards self-reliance, voluntary repatriation and resettlement as appropriate;
- Actively promote (where applicable) and facilitate the voluntary, safe, and dignified repatriation of refugees, while making preparations for potential new repatriation movements (i.e. possible transition from facilitation to promotion for Liberian refugees should country of origin conditions e.g. October 2005 elections bring forth a change in UNHCR policy) and consolidating and finalizing those already on-going;
- Effective refugee participation and empowerment in programme activities, ensuring gender equality;
- Improvement of individual refugee status determination procedures;
- Foster partnership and complementarities between UNHCR and other actors, particularly NGOs and UN system agencies, as the essential platform for attaining the objectives of the 2006 programme, including fund-raising;
- External relations designed to raise awareness on the Libyan country operation among the public at large, civil society and special constituencies such as the local donor community.

Voluntary repatriation

The facilitation of voluntary repatriation to Liberia is expected to continue in 2006. However, should positive political developments in Liberia continue and thereby a UNHCR policy change occur for the promotion of Liberian voluntary return, the Office's related programme and activities will in turn take on a new dimension in 2006. Also, the promotion of voluntary repatriation to areas at peace in Somalia (Northern Somalia for example) will continue in 2006 for the beneficiary population. With regard to Somali refugees the Office will seek to promote voluntary repatriation to northern Somali where security conditions were acceptable and stable and by

facilitating, on the specific request of a refugee, the voluntary return to the southern parts of Somali, on condition that security clearances in relation thereto were obtained.

In 2006, Sierra Leonean voluntary repatriation will continue on a case by case basis, with the view that the promotion for return will have been concluded in 2005.

Migration Asylum nexus

The migration-asylum nexus in UNHCR's operational environment in Libya has provided, from a refugee protection perspective, significant operational challenges, complexity of which are further augmented by the absence of a formal recognition of UNHCR's presence, mandate and activities in the country, the negative change in the Libyan authorities' stance toward UNHCR since late 2004, and the ever increasing importance of migration regulation for the host authorities in 2004 and 2005. Migration management is expected to remain a priority issue for GOL in 2006.