



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Thailand

Planning Year: 2006

Thailand

Country Operations Plan 2006

Part I: OVERVIEW

1. Protection and socio-economic operational environment

There are an estimated 140,000 refugees from Myanmar, including some 20,000 unregistered, living in 9 camps on the Thai-Myanmar border. A joint re-registration exercise is currently underway using the software developed by Project Profile. Besides accurate numbers, this exercise will also yield information on vulnerability as well as protection and resettlement needs. Some of the refugees have been living in the camps for about 20 years. The protracted nature of the problem is compounded by two factors, ie the prolonged stay in a secluded camp environment and the fact that conditions in Myanmar are presently not conducive to voluntary repatriation. This static situation is creating a host of social and psychological problems, ultimately leading to an erosion of the refugees' coping mechanisms. In addition, there are some 1,000 non-Myanmar refugees and asylum-seekers for whom resettlement is the only viable durable solution, albeit one that is increasingly difficult to achieve.

Thailand is not party to the Geneva Convention but has traditionally maintained a generous asylum policy. There is no asylum procedure incorporating the principles of the Convention. The status of refugees in the camps is regulated by ad hoc administrative arrangements whilst refugees outside the camps would fall under the provisions of the Immigration Law and are be considered to be illegal migrants. Admission to the camps came officially to a halt by the end of 2001 when the Provincial Admission Boards (PABs) ceased to function. Nevertheless, some 20,000 refugees were allowed to stay in the camps, albeit as unregistered. The ongoing re-registration exercise is expected to regularize this situation and provide all refugees with a registration document.

The strategy for 2006 aims at building upon several achievements recorded during 2004. To understand this newly emerging trend, it is important to take note of the following positive developments:

- a. The successful implementation of the resettlement programme for 15,500 Hmong Lao refugees living in Tham Krabok has paved the way to the recognition of resettlement as a strategic and burden-sharing tool. It also helped promoting UNHCR's image as a solution-oriented agency. Concurrently, the Royal Thai Government (RTG) agreed to the resettlement of some 5000 Myanmar urban refugees, thereby ending a difficult stalemate on how to deal with this population. RTG's openness towards resettlement is a new development which contrasts with the restrictive approach adopted in the past. Recently, RTG confirmed that resettlement from the camps was now an accepted policy. Meanwhile, UNHCR was able to turn resettlement from Thailand into a multilateral effort involving some 10 countries. In less than one year, more than 12,000 refugees were resettled from Thailand. While the scope and support for another group resettlement remains to be tested, it is clear that this new strategic direction will have far-

reaching implications for UNHCR's operations in Thailand. Resettlement will become an increasingly dominant feature of this operation.

- b. In 2004, an agreement was reached on the re-activation of the PABs. This included an expansion of the admission criteria which had previously been restricted to persons "fleeing fighting" to include now persons "fleeing persecution or for other reasons". This signalled a major progress compared to the 1998 "working arrangements" which had solely operated on the former criteria. However, the agreement foresees that persons admitted under the new expanded criteria will have to be resettled. PABs are expected to start operating in 2005. The groundwork made so far includes two handbooks, respectively on procedures and country of origin information. All in all, this is an important step towards the establishment of a national asylum/admission (the latter reflects the terminology used by RTG) structure in a non-Convention environment. The process, once fully operational, will have a significant impact on UNHCR's operations, at least at three levels. First, UNHCR's status determination and financial assistance for Myanmar urban asylum-seekers will come to an end. Second, resettlement as a durable solution (from the camps and for referrals from the PABs) will be further institutionalized. Third, there will be a sharper focus on training and capacity-building to support the PABs process. Several countries have already expressed interest in doing so through twinning projects. At this stage it is difficult to predict accurately the financial and human resources implications flowing from this new operational structure. We are in uncharted territory and much will depend on the number of cases processed by the PABs, and those which will need to be reviewed on appeals. Since the resettlement function will squarely remain with UNHCR, submissions (including the status determination section) will still represent a substantial workload. Our submission is based on the assumption that this new function could to the extent possible be absorbed through redeployment of existing staffing resources. This remains to be tested and we may have to revert once operational parameters become clearer.
- c. Another landmark development was the successful implementation of the migrant workers registration scheme. Some 1.3 million were registered, including close to 1 million from Myanmar. This opened the possibility for refugees and those in a refugee-like situation to regularize their status and reduce pressure on the asylum channel. This is definitely a case of best practice in the region. The policy had a dual purpose, ie addressing unmet labour needs in Thailand and regularizing the situation of illegal migrants whose lack of registration was also perceived as creating a security problem. An important spin-off of this far-sighted labour management policy is in the effective way it addresses the interface between migration and asylum. This augurs well for the work of the PABs which would have otherwise been submerged by applications which can be dealt through another channel.
- d. In early 2004, ceasefire negotiations between the SPDC and the KNU led to expectations of an impending voluntary repatriation. Concurrently to the opening of UNHCR's operations in eastern Myanmar, an elaborate contingency planning process was initiated on a participatory basis. It entailed close consultations with the RTG, NGO partners and donors. While the process did not evolve into a final plan, it identified gaps in assistance and proposals to address these prior to any

repatriation. Voluntary repatriation has now become an increasingly elusive prospect, and is also recognized as such by RTG. Nevertheless, the contingency planning process ignited a healthy reflection on unmet needs which, in turn, paved the way to the comprehensive needs assessment process. The latter has already elicited interest on the part of several donors and prospects for funding look favourable. UNHCR and NGOs are now embarking on a joint advocacy campaign which will target both donors and RTG. While the contingency plan for repatriation is currently a dormant document –and is likely to remain so throughout 2005- it could be re-activated if a drastic change of circumstances were to happen in 2006. The linkage between the Thailand and Myanmar operations is maintained through a regular flow of information

- e. Recently, RTG has become increasingly aware of the negative consequences related to the perpetuation of a protracted camp situation and limited rights accorded to refugees. Besides idleness and the loss of professional skills, psychosocial problems and domestic violence are on the rise in the camps. The level of malnutrition is considered to be unusually high for a stable refugee situation. This is attributable to the lack of diversity in the diet and refugees being devoid of resources to purchase additional food items. A disturbing threshold has been reached which calls for a change of mindset on how to deal with this protracted refugee situation. It is increasingly clear that benign neglect or providing more of the same are no longer adequate answers. RTG has now requested that a sharper focus be placed on vocational training and language education (particularly Thai). This is a significant opening on which NGOs plan to capitalize. Furthermore, there appears to be even some thinking going into income-earning projects, which were so far considered as a non-starter. Some broad ideas such as allowing refugees to work on nurseries, re-forestation projects, local infrastructure projects, food processing and cottage industries have been informally aired. The decision-making process has yet to ripen but it definitely reflects a positive direction. In this challenging process, the Regional Office (ROTHA) sees its role as one of advocacy and catalyst to ensure that these ideas become reality and NGOs are able to secure the necessary funding, UNHCR's focus should remain on protection, advocacy and the search for durable solutions. This would provide added momentum to the partnership process in a way that appears to be fully supported by the donors.
- f. The 2004 protection work plan details a series of new initiatives and novel approaches and integrate these into a coherent strategy. Implementation is well underway and will be further consolidated in 2006. The underlying advocacy is directed towards RTG, NGOs and refugee communities. Additionally, there are several activities, e.g. child protection, child soldiers and trafficking which need to be pursued in an inter-agency framework. With respect to RTG, the focus is on improving rights of refugees, including education and access to work opportunities; advocating an alternative approach to arrest and expulsion of refugees caught outside the camps; completing the registration exercise; establishing security zones in camps for refugees facing protection problems and implementing the programme on administration of justice in the camps on which substantive headway has already been made. Partnership with NGOs cover an even broader range of topics. The process is supported by working groups set up respectively in Bangkok and at the 3 field offices. Interface subjects include the

following: SGBV and the development of formal camp protocols; child protection; UAMs and the monitoring of boarding schools; capacity-building for the traditional justice system and camp committees; EVIs and mentally handicapped persons; implementation of the HC's 5 commitments for refugee women; trafficking; peace and reconciliation projects; training of NGOs etc. Despite some differences in approaches, the quality and maturity of the dialogue with NGOs has been rewarding. It offers further scope for creative action. The inter-agency process on trafficking has yielded a much welcome focus on birth registration. UNHCR is actively participating in several thematic working groups, including the newly established one on migration. Recently the RTG has announced a comprehensive policy review to address the situation of stateless persons in Thailand, estimated at some one million. ROTHA is planning to carry out a survey which will also identify possible entry points to promote UNHCR's mandate with respect to the two statelessness Conventions.

The purpose is not to give an exhaustive list of activities but to highlight the diversity and range of protection activities. The workload related to the processing of the POCs has, to some extent, constrained the implementation of this wide but much compelling agenda. This is expected to ease in the future. Another constraint has been that UNHCR's coverage of the camps has been less effective than that of the NGOs. This is partly attributable to the location of the camps and long travel distances. However, the uneven apportionment of staffing resources between Bangkok and the field has also been recognized as an impediment to the development of a field-oriented protection approach. ROTHA will have to retain a number of critical functions, ie responsibilities flowing from its regional coverage; liaison with the authorities and the Embassies; a significant segment of the resettlement processing and leadership in the effective functioning of the resettlement working group; inter-agency and NGOs coordination functions, and the protection and processing of non-Myanmar asylum cases. This is not a light agenda but we believe that with the impending closure of the Myanmar urban POCs chapter, a unique opportunity is being created to carry out the much needed decentralisation to the field. It is also an opportunity to address unmet staffing needs in the field which have so far been covered through short term secondment arrangements.

The thrust of this submission is to enhance UNHCR's relevance through a more effective presence in the field. It aims at addressing an expanded protection agenda, including the newly emerging resettlement and PABs functions. The proposed protection operational projects are also a novelty for this programme. Their implementation will strengthen our grassroots protection approach and achieve a better consistency between programme objectives and budget requirements. On the other hand, despite emerging opportunities in the assistance sector, ROTHA does not seek an enhanced role beyond advocacy.

Operational goals and potential for durable solutions

Derived from UNHCR's Global Strategic Objectives and the Regional Strategy developed by the Regional Bureau, the following are the overall strategic goals of the Regional Office in Thailand:

Ensure admission, documentation, and reception of asylum-seekers and refugees and support state-owned asylum procedures (“PABs”).

- Continue to review and oversee that PAB procedures are fair and predictable, that criteria is in line with international standards;
- PAB members are properly trained and capacitated to make fair and correct decisions, including through “twinning” capacity-building projects with other States with more developed protection structures;
- UNHCR will continue to conduct RSD under its mandate for non-Myanmar asylum seekers;
- Complete registration of camp-based refugees to include all 20,000 unregistered new arrivals for PAB submission.

Undertake measures to improve refugee rights and mitigate the consequences of protracted refugee situation and better prepare refugees for durable solutions

- Continue advocacy to encourage the RTG to improve rights of refugees, including education, access to work opportunities/income-generation activities both within and outside the camps;
- Continue advocacy for an alternative approach to arrest and expulsion of refugees caught outside the camps;
- Develop “Protection Operational Projects” that will aim to improve the protection situation of refugees while in Thailand and at the same time prepare them for repatriation/resettlement e.g. the establishment of legal aid/resource centres in the camps

Address security related concerns more effectively and ensure physical safety of refugees

- Establish “security zones” for refugees with security problems
- Continue Administration of justice programme
- Continue Sexual and gender-based violence programme
- Develop child protection/child soldiers programme
- Establish trafficking project

Ensure age and gender-based operations planning and implementation.

- Ensure Implementation of High Commissioner’s 5 commitments to refugee women: including through women’s leadership training and SGBV programme,
- Develop child protection programme in collaboration with UNICEF and NGOs
- Develop EVI programme in collaboration with NGOs

Expand and consolidate strategic use of resettlement as a protection/durable solutions tool

- Group resettlement from the camps/resettlement of those with special protection needs
- Resettlement of PAB “political” refugees
- Establishment of resettlement processing centre
- Expedite resettlement of non-Myanmar urban refugees
- Further strengthen multilateralisation of resettlement effort

Further strengthen partnership with donors, government, UN and Inter-governmental agencies and Non-Governments for protection support and resource mobilization to address unmet needs.

- Proposals to address unmet needs in the camps arising from the "Gaps Analysis"/ comprehensive needs assessment conducted by UNHCR and NGOs that will aim to improve the situation of refugees while in Thailand and at the same time prepare them for repatriation/resettlement
- Continue to develop protection partnerships through specific programmes and protection operational projects and Protection Working Groups,

Improve the protection environment through promotion of international standards on refugees and stateless persons

- Continue consultations on UNHCR-commissioned study by Thai legal expert on protection opportunities in non-Convention context
- Commission study to identify stateless populations in the region and added-value of UNHCR role
- Build constituencies on refugee protection with government, civil society, media, universities and national institutions.

Continue to engage Implementing and Operational partners in identifying "Gaps" and provide the necessary support to bridge gaps identified in accordance to priority and improve coordination and extend good humanitarian donorship for improved protection and benefit of the refugees in border camps

- Improve co-ordination and partnership with NGOs through the CCSDPT forum
- Affirm UNHCR's commitment to strengthen humanitarian aid coordination among stakeholders
- Secure and strengthen information sharing between UNHCR, NGOs and donors
- Continue to review and improve the delivery of protection and assistance based on the Standards and Indicators Guidelines

Age and gender based operations, planning and implementation is a key objective as well as a cross cutting theme in ROTHAs strategic plans and operations since 2004. In response to in-country needs and in support of the High Commissioners Five Commitments to Refugee Women, UNHCR developed programmes in the areas of sexual and gender based violence, which included prevention, response and monitoring interventions, information management and reporting, advocacy and awareness raising/ legal education initiatives. In addition, UNHCR is developing formal multi-sectoral SGBV protocols in all camps and for urban asylum seekers which will provide survivors and responding organizations with a prevention and response "road-map".

UNHCR has also implemented individual registration of women through the ProGres re-registration. On the issue of equal participation in camp leadership, UNHCR continues to advocate for more female representation in the camp committees not only in terms of numbers, but in relation to weight of opinion and will seek to empower women through leadership training and other support programs. In relation to the commitments with regard to involvement in the management of distribution of relief items and the provision of sanitary napkins, the selection of recipients and

management of the distribution has been entrusted to women's committees. Programmes to ensure gender equality and to combat SGBV will be intensified in 2005 and 2006.

During 2004, UNHCR sought to strengthen its protection efforts on behalf of refugee children, and to better monitor, identify and respond to their protection needs. It jointly participated in establishing a child protection network with UNICEF and an NGO implementing partner during 2004 to work on these issues. One area that received more focus was the situation of unaccompanied children living in boarding houses and in other foster care arrangements, as well as the situation of former child soldiers. The office increased its capacity to deal with child protection issues by engaging a child protection officer and carried out a study on child soldiers in 2005.

There are indications that women and children are being affected by trafficking in, out and around the refugee camps. In 2005 and 2006 UNHCR would like to conduct a systematic analysis of the impact of trafficking in the camps. The study will assist in developing prevention, response and awareness raising interventions as well as a monitoring mechanism in collaboration with other agencies working on trafficking issues.

Interventions in the area of HIV/AIDs are carried out in collaboration with NGOs and Community Based Organizations (CBOs) in the refugee camps as well as in urban refugee settings. Activities include awareness raising, access to condoms and psycho-social support. Referrals are also made to NGOs such as MSF and government hospitals to facilitate access to voluntary testing and counselling (VCT), prevention of mother to child transmission (PMCT) and the provision of antiretroviral therapy (ART). It should be noted that access to ART is limited to Bangkok and Mae Sot because of limited available resources in government and private hospitals and clinics in the provinces.

The situation of Myanmar refugees in Thailand continues to remain protracted and is expected to remain so in the foreseeable future. Thus, UNHCR's efforts will focus on mitigating the impact of this situation on refugees who have been "warehoused" in camps for over 20 years, as well as identifying solutions other than repatriation or "warehousing" locally. UNHCR will continue its advocacy efforts with the Royal Thai Government (RTG) with the intention of improving the situation in the camps, as well as bringing about a relaxation of the regulations prohibiting freedom of movement outside the camps as well as preventing refugees seeking employment outside the camps. Vocational training and income generation activities will be expanded in the camps to increase the employment opportunities of refugees within Thailand, upon resettlement or upon return to Myanmar. In addition, a number of protection operational projects will be implemented to improve the protection situation in the camps, including through the establishment of legal aid centres, peace education initiatives, and child protection initiatives. In light of the fact that the RTG has agreed to expand resettlement opportunities from the camps, UNHCR will step up its efforts in the area of resettlement for Myanmar refugees in 2005 and 2006 to promote alternative solutions.