

Executive Committee Summary

Country Operations Plan 2003 : KYRGYZSTAN

(a) Context and Beneficiary Populations/Themes

When the Soviet Union collapsed, Central Asia faced an ideological, intellectual, and institutional vacuum. The only viable institutions were the remnants of the communist-era power structure and the traditional regional and religious networks. The stifling intellectual atmosphere of the Soviet era meant that when, in late 1980s, Central Asians were allowed to express their views via *glasnost* and *perestroika*, their principal political ideas were those dominant on the eve of the Bolshevik revolution: Islam, pan-Turkism, and to a lesser degree ethno-linguistic nationalism. Notwithstanding all this, nearly everyone in the region claimed to be a democrat. The five Central Asian states drafted and adopted constitutions with all the trappings of secular democratic systems. In practice, political systems across the region continue to be authoritarian. Ten years after independence, there has been no change in leadership in the region. The only exception is Tajikistan, where the 'circulation of elites' required a civil war, and where President Imomali Rahkmanov has consolidated power since 1994 like his counterparts. Certainly the indigenous authoritarian traditions of the region help explain the failure of democracy, but the legacies of Soviet control – arbitrary borders, distorted ethnic balances, Russian influence and outright interference – have not helped.

Given this historical backdrop and with the advent of the civil war in Tajikistan, beginning in 1992, in addition to continued imbroglio in Afghanistan, thousands of people were forced to flee their homes in search of refuge throughout the Central Asia. Many fled to the Kyrgyz Republic. In 2000, a new flow of asylum seekers into Kyrgyzstan began arriving – a small but steady number of Chechens fleeing conflict in the homeland. Given its lack of experience in dealing with refugee influxes, Kyrgyzstan sought external assistance and expertise from UNHCR. Since establishing a presence in Kyrgyzstan in 1995, UNHCR has provided care and maintenance to Tajik and Afghan refugees and has worked closely with the Kyrgyz Republic to develop a national capacity to manage refugee protection and assistance.

Many years of effort culminated in the adoption by Parliament in early 2002 of a National Law on Refugees, which was subsequently signed by the President. The law represents a major step forward in the enhancement of the protection of refugees and supersedes the Temporary Provision on Refugees (TPR); thus bringing domestic law into compliance with international standards, namely, the 1951 Convention Relating to the Status of Refugees.

Over the past few years, LO Bishkek has focused on finding durable solutions for Tajik refugees, including repatriation to Tajikistan and local integration in Kyrgyzstan, in addition to increasing the self-sufficiency of Afghan refugees and Chechen asylum-seekers. With regard to Tajik integration, encouraging signs have been witnessed by the granting of Kyrgyz citizenship to 816 refugees.

In addition, there is a new dimension to UNHCR's work following the terrorist attacks of 11 September, making LO Bishkek's protection work increasingly difficult. Refugees and asylum seekers, in particular Afghans and Chechens, have become objects of considerable mistrust and hostility, and perceived as a threat to national security by some government officials. Many Afghan refugees have been detained, some of whom were recognised refugees and asylum-seekers with official documentation. A number of them claimed to have been poorly treated while in detention, including beatings and threats of deportation. While all were released following UNHCR's intervention, further cases of detention cannot be ruled out.

The recent propitious developments in Afghanistan have presented the first real opportunity in decades for Afghans to consider returning home. As the situation in Afghanistan develops, and

assuming that positive signs continue to prevail, LO Bishkek envisions increased voluntary repatriation in 2003.

LO Bishkek has also been working to reduce the potential for conflict and to reinforce contingency planning measures in Southern Kyrgyzstan. As unfavourable social and economic conditions tend to create a more receptive environment for radical ideas, it is not surprising that Islamic militancy has made inroads in Central Asia, especially in areas like the densely populated Ferghana Valley, which includes a part of Southern Kyrgyzstan. Estimates of unemployment in the region range as high as 80 percent. Kyrgyzstan shares this pattern; according to some reports, 60 percent of the Kyrgyz population lives on or under the poverty line, while the average monthly wage in 2000 was only US\$22.

In the wider regional context regional security remains a cause for concern, particularly given the contiguous borders of Kyrgyzstan, Tajikistan and Uzbekistan in the Ferghana Valley region. A number of inter-state disputes over access to resources, such as water, gas and land remain unresolved in the region. This represents a potential source of refugee influx in the mid-term to long-term.

Beneficiary Populations

UNHCR is assisting 8,619 Tajiks in Kyrgyzstan. This includes the 7,098 refugees registered with the Department of Migration Services (DMS) of Kyrgyzstan, approximately 700 Tajik refugees who have recently deregistered in anticipation of obtaining citizenship, as well as 816 former Tajik refugees who have recently obtained citizenship. In the case of the latter, UNHCR continues its support of these Tajiks as part of its commitment to the Kyrgyz government to facilitate the integration process. With respect to Afghans, there are presently 839 refugees registered with DMS. In addition, UNHCR has extended its mandate to 83 Afghans who were denied access to RSD procedure on the basis of the safe third country principle. There are also approximately 1,000 Afghans in Kyrgyzstan who are either seeking asylum or whose asylum claims have been rejected on formal grounds. In addition, there are 398 Chechens registered with DMS as asylum-seekers and six Iranians and one Sri Lankan accorded refugee status by the agency. Finally, as many as 5,000 Uighurs from China are resident in Kyrgyzstan. However, few Uighurs apply for asylum, given the almost certain assurance of rejection and the fear of refolement based on Kyrgyzstan-China security accords.

Overview of Programming

In 2003, UNHCR will focus on activities falling within UNHCR's core mandate: the achievement of a durable solution (e.g. local integration, voluntary repatriation, resettlement) for and protection of all beneficiary populations and strengthening the refugee protection framework in Kyrgyzstan.

UNHCR expects to achieve durable solutions for all Tajik refugees in 2003, primarily through local integration in Kyrgyzstan, the wish of more than 90% of Tajik refugees in Kyrgyzstan. By the beginning of 2003, only a small residual population wishing to return to Tajikistan is expected to remain. Thus, the primary activity in 2003 related to Tajiks will be citizenship acquisition. By the end of 2002, it is expected that approximately 5,000 Tajiks wishing to remain in Kyrgyzstan will still be awaiting the acquisition of citizenship. While substantial progress is being made in this area, it is a slow process requiring a continuing commitment of both time and finances.

At the same time, UNHCR will implement a final year of local integration programming for Tajik refugees. While programming will be substantially reduced, certain key activities critical to the integration process will continue, notably incorporating refugee children into the education system and consolidating the network of refugee NGOs/CBOs under development in Northern Kyrgyzstan. In addition to facilitating refugees' transition to citizenship, this commitment is central to UNHCR's strategy to ensure that the Kyrgyz government maintains its progressive attitude of granting citizenship to these refugees wishing to remain in Kyrgyzstan. However, no local integration programming is envisioned in 2004.

Given the evolving situation in Afghanistan, it is expected that some Afghan refugees will repatriate, and funding will be provided through Headquarters projects. However, the return process is not expected to conclude quickly. At present, UNHCR is not promoting repatriation, given the continuing instability in Afghanistan. Moreover, many Afghans are long-standing residents of Kyrgyzstan with some associated with the former Najibullah regime which may present political difficulties. Finally, the movement of people from Kyrgyzstan to Afghanistan presents a number of logistical hurdles to overcome. Thus, at the same time as facilitating voluntary repatriation, programming will continue in a number of other sectors. Emphasis will be placed on activities designed to prepare Afghans for an eventual return home, including vocational training to provide short-term opportunities for Afghans to develop a marketable skill and support of an Afghan school to ensure that refugee children retain abilities in their native language. In a number of exceptional cases, resettlement may continue to be the only feasible durable solution.

Chechen refugees are likely to represent a continuing concern for UNHCR over the short to medium-term, given that no durable solution is in sight. UNHCR's activities will be solution-focused – strengthening Chechen refugees' capacity to attain self-sufficiency in Kyrgyzstan, in addition to providing children from the most vulnerable Chechen refugee families with the opportunity to attend school. In exceptional cases, resettlement will be pursued.

All refugees will be provided access to basic health-care in 2003 through the new medical insurance scheme of the national health-care system. This will ensure a more flexible and lower cost approach to delivering health care to refugees in 2003 and beyond and ensure that Tajik refugees/new citizens are incorporated into the national system.

In 2003, UNHCR will place more emphasis, both in financial and human resource terms, on the strengthening of the protection framework in Kyrgyzstan. The adoption of the Refugee Law by Parliament in February 2002 and the subsequent signature of the law by the President in March 2002 constitute a major achievement. However, enormous effort will be needed to ensure the effective implementation of the law, as well as the recently signed interdepartmental protocol between DMS and the Border Guards Service on asylum-procedures at border points. Thus, UNHCR has, in consultation with DMS and other government actors, identified a number of specific activities linked to implementation, including support for the drafting of by-laws and provisions governing the law's implementation, extensive training for DMS on RSD procedures (e.g. extended on-the-job training by an international expert), training for judges to improve the appeal procedure, operational support to DMS to increase the capacity to conduct RSD, training for law enforcement bodies and the establishment of a computerised database for refugees and asylum-seekers.

At the same time, UNHCR will continue its efforts to provide effective protection of individual refugees and asylum-seekers. This will be made easier by the passage of the Refugee Law which contains a stronger appeal process and eliminates the reference to safe third country concept contained in the Temporary Provision on Refugees (TPR), the previous legislation governing refugees. The restructured legal clinic for refugees will play a key role in providing this protection. Particular attention will be paid to the detention and harassment of refugees and asylum-seekers by authorities, particularly Chechens and Afghans, and the access of all groups to RSD procedures. It is also expected that a small number of Uighurs from China, in addition to asylum-seekers from other countries such as Iran and Sri Lanka, will require UNHCR support, particularly in the area of protection. In some cases, resettlement may be required.

UNHCR will continue working on small scale initiatives to improve the emergency preparedness capacity in Southern Kyrgyzstan, including the maintenance of an emergency stockpile at its warehouse in Osh, and to reduce the possibility of the development of conflict in the volatile Ferghana valley region within the inter-agency framework that has been established at the UN Country Team level.

Implementing Partners

In 2003, UNHCR will continue to work with the strong network of implementing partners it has developed in Kyrgyzstan, including both local and international NGOs. One notable success has been the establishment of a network of refugee NGOs in Northern Kyrgyzstan working with refugees on issues as diverse as citizenship acquisition, micro-credit, family planning and agricultural consultation. The capacity of these NGOs has grown noticeably over the past two years. This network of NGOs will play a key role in the transition of refugees to fully integrated citizens of Kyrgyzstan. Over the past five years, the capacity of non-refugee local NGOs, particularly in the legal assistance sector (Bureau for Social and Legal Assistance to Refugees and Foundation for Support of Legal and Social Reform) has grown substantially. In addition, local NGOs with whom UNHCR is co-operating for the development of NGO Support Centres (Alga and Foundation Tolerance International) have matured considerably over the past few years. In 2003, UNHCR will work more closely with government partners, including DMS, Ministry of Interior, Citizenship Commission, with respect to citizenship acquisition and implementation of the refugee law. The Ministry of Health will also be a key partner in providing medical services to refugees.

Other Organisations

In 2002, UNHCR is stepping up its efforts to incorporate refugees into the programming of other organisations, particularly in anticipation of the acquisition of citizenship for Tajik refugees and the phase out of UNHCR's local integration programming in 2003. A number of achievements are already in place including EU and USAID financing of NGO Support Centres, Counterpart Consortium support of refugee initiated infrastructure rehabilitation projects, USAID's financing of Afghan refugee women initiatives and its contribution towards a tolerance news bulletin in the Ferghana Valley. These efforts will continue in 2003, particularly in relation to the Asian Development Bank, World Bank and UNDP, all of which have indicated their willingness to incorporate former refugees/new citizens into their programming.

(b) Selected Programme Goals and Objectives

<i>Name of Beneficiary Population: Tajik Refugees</i>	
<i>Main Goals:</i> Local integration of all Tajik refugees wishing to remain in Kyrgyzstan Continued protection and welfare of remaining Tajik refugees	
Principal Objectives	Related Outputs
Refugees obtain citizenship Self-reliance of refugees/new citizens enhanced Refugees/new citizens integrated into national health-care system Emergency needs of refugees met Rights of refugees/new citizens respected	Provision of assistance to Ministry of Interior, Citizenship Commission, DMS, Counterpart Consortium, NGO Support Centres, legal assistance NGOs and refugee NGOs; lobbying of key government actors to speed up the processing of applications; promotion of adoption and implementation of Kyrgyz-Tajik bilateral agreement on simplified citizenship acquisition procedure Accelerated education initiative for refugee children; consolidation of refugee NGO/CBO network in Northern Kyrgyzstan Medical insurance cards One-time emergency assistance grants General legal assistance

<i>Name of Beneficiary Population/Theme: Afghan Refugees</i>	
<i>Main Goals:</i> Voluntary repatriation of those who wish to return to Afghanistan Increased self-sufficiency in preparation for a return home Resettlement of most vulnerable cases Continued protection and welfare	
Principal Objectives	Related Outputs
Refugees able to return home in 2003 Afghan refugee children able to study in maternal language Self-reliance of refugees enhanced Refugees have access to basic healthcare Emergency needs of refugees met Rights of refugees respected	Transportation for 1,000 returnees Primary school Vocational training and literacy courses Medical insurance cards One-time emergency assistance grants General legal assistance

<i>Name of Beneficiary Population/Theme: Chechen Refugees</i>	
<i>Main Goals:</i> Chechen asylum-seekers obtain refugee status Chechen refugees develop self-sufficiency in Kyrgyzstan while they await more durable solutions Resettlement of most vulnerable cases Continued protection and welfare	
Principal Objectives	Related Outputs
Chechens have full access to RSD procedures Self-reliance of refugees enhanced Asylum-seekers have adequate means of subsistence for their first few months in refuge Refugees have access to basic healthcare Emergency needs of refugees met Rights of refugees respected	Lobbying of government to provide refugee status based on new Refugee Law Vocational training Income-generation initiatives One-time assistance package to new Chechen asylum-seekers Medical insurance cards One-time emergency assistance grants General legal assistance

<i>Name of Theme: Protection Framework</i>	
<i>Main Goal:</i> Strengthened protection framework for refugees and asylum-seekers	
Principal Objectives	Related Outputs
Adoption of relevant by-laws and provisions governing implementation of new Refugee Law Strengthening of RSD procedures Improvement of appeal procedure Provision of daily protection to refugees and asylum-seekers Reduction of statelessness and eased naturalisation procedures Promotion of extra-	Provision of UNHCR legal expertise to ensure bylaws/provisions consistent with international standards Material and human resources assistance to DMS and Ministry of Justice to strengthen capacity in drafting by-laws/provisions Monitoring of drafting of by-laws and provisions Monitoring of implementation of DMS/Border Guards interdepartmental protocol on reception of asylum-seekers Training to Border Guards Services on RSD and the new law Operational support of DMS to conduct RSD, including reception facilities (maximum 72 hrs – registration of claim period) On-the-job training for DMS on RSD procedures with international expert Monitoring of RSD procedure, intervention in some cases Establishment of database for refugees and asylum-seekers Training to judges on RSD, including appeal procedures Monitoring of appeal procedure, intervention in some cases Provision of legal assistance to refugees and asylum-seekers through implementing partners

regional resettlement as a durable solution	Incorporation of human rights/refugee protection course at Academy of Ministry of Interior Provision of legal expertise and training on Citizenship Law related to easing naturalisation process for refugees Promotion of accession of Kyrgyzstan to 1954 and 1961 Conventions on Statelessness Conducting of eligibility interviews and compilation of resettlement applications to possible countries of reception
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<i>Name of Theme:</i> Emergency Preparedness/Conflict Prevention	
<i>Main Goals:</i> Reinforced contingency planning measures Increased level of tolerance in Southern Kyrgyzstan	
Principal Objectives	Related Outputs
UNHCR and Kyrgyz government better prepared for emergency situations Increased availability of information in Southern Kyrgyzstan on issues related to conflict	UNHCR, UN contingency plans updated Participation in various UN-government emergency preparedness co-ordination committees Support of delivery of emergency training for NGOs, government officials Support of newspaper promoting community and inter-ethnic tolerance