

## Executive Committee Summary

### Country Operations Plan 2003 : TURKMENISTAN

#### (a) Context and Beneficiary Populations

##### *Background*

Turkmenistan is one of the former Soviet Republics and became an independent country in October 1991. The democratisation process in Turkmenistan remained embryonic, with a single, government-controlled party dominating the political landscape. However, against this background, UNHCR was still able to continue to promote and maintain basic safeguards for asylum seekers and refugees in Turkmenistan and to work jointly with the Government on achieving durable solutions for the various groups of refugees.

The country enjoys a stability that its neighbouring countries do not necessarily display. It has also engaged since December 1995 in a policy of neutrality, when it became the first country to have its neutral status officially adopted by the UN General Assembly. In line with this policy, Turkmenistan has engaged in a constructive dialogue with all its neighbours, and has at the same time adopted a policy of non-interference in the affairs of other countries. This led to the Turkmen Government refusal to permit any foreign troops to enter, or operate from, its territory, following the September 11 events. However, it has given its consent to the use of its ground and air transport corridors to deliver humanitarian freight/assistance to Afghanistan.

But, as in all other countries bordering Afghanistan, security concerns prevailed over the obligations of Turkmenistan as a signatory to the 1951 Convention: the Turkmen border remained closed to Afghan refugees following the Coalition-led attacks in Afghanistan in October. Therefore, despite the Government's involvement in contingency planning for the potential mass influx related to Afghan crisis and its participation in assessment missions to provinces of border areas undertaken by various UN and non-UN agencies involved in preparation of the contingency plan, there was no response from the government side to UNHCR's request to have access to the border area in mid-November, when UNHCR attempted to verify reports of a larger number of Pashtuns trying to cross the Turkmen border. This information was denied by the authorities, which also prevented the Office from independently verifying this information.

The economic situation remained extremely fragile. Turkmenistan, despite its huge natural resources, especially in gas, continued to face difficulties to export part of its resources. The cotton and wheat crops were not up to expectations. This situation has made it impossible to foresee any financial contribution by the Government towards refugees, as the official policy is to meet the needs of the Turkmen nationals as a matter of priority. The refugees were nevertheless provided with land in three provinces, as well as assistance from government administrative structures. This can be considered as a major contribution by the Government to refugee protection.

Turkmenistan is a signatory to the 1951 Convention relating to the status of Refugees and its 1967 Protocol, since 1998. A national Refugee Law was adopted in 1997 but has yet to be implemented. UNHCR established a Liaison Office in Turkmenistan in July 1995. A Co-operation Agreement between UNHCR and the Government, signed in March 1998, further recognises UNHCR's Mandate to conduct protection activities in the country. In the absence of any national asylum procedure, UNHCR undertakes refugee status determination of all asylum seekers who approach the Office. The Turkmen Government respects UNHCR decisions on individual claims. For the most part, mandate refugees in Turkmenistan enjoy the same social rights as Turkmen citizens. In general, UNHCR Ashgabat enjoys a fruitful co-operation with the Government and refugee problems are resolved amicably.

### ***Beneficiary population***

There are approximately 14,000 refugees in Turkmenistan divided into two major caseloads: Tajiks and Afghans, plus a small caseload of Azeri, Armenian, Iraqi and Russian (Chechen) refugees.

**Tajiks:** There are over 12,000 Tajik refugees in urban areas and rural settlements. Most of them arrived in Turkmenistan between 1992 - 1995, fleeing the civil war in Tajikistan and are considered to be *prima facie* refugees. Most of the Tajik refugees are ethnic Turkmen who live in rural settlements. The durable solution for most of them is local integration.

The main protection needs of the *prima facie* Tajik refugees of Turkmen ethnicity, was the acquisition of citizenship. Although many satisfied the legal requirement of being in Turkmenistan for seven years, only a small number of them are naturalised to date. The lack of citizenship reinforces the precarity of the status of these refugees in Turkmenistan, and the absence of permanent residence documents may be an obstacle to the issuance of marriage and birth certificates and registration of property such as land. The Office will intensify its efforts to disseminate pertinent information in regard to naturalisation and to assist refugees with their applications for citizenship.

The urban caseload is relatively small (252 persons). Most of them are ethnic Tajiks who approached UNHCR after the introduction of a visa regime for CIS citizens in June 1999, as they did not have documents legalising their presence in Turkmenistan. Since the beginning of 2002, they are being submitted to an individual refugee status determination in order to assess their continued need for international protection.

The last organised group repatriation movement to Tajikistan took place in October 2000. UNHCR made special efforts to resolve the various obstacles to further organized repatriations, and managed in 2001 to establish a procedure for individual returns to Tajikistan. Between April and December 2001, 276 Tajiks were assisted to return to Tajikistan.

**Afghans:** The Afghan refugee population of approximately 1,500 persons includes some 800 *prima facie* ethnic-Turkmen refugees, who came in 1994 via Iran without any documents, were accepted into the territory by Presidential Decree and settled mainly in rural areas. A part of this group has since returned voluntarily to Afghanistan with the assistance of UNHCR. The remaining caseload received permanent residence permits as stateless persons and some have received Turkmen citizenship.

A total of 671 Afghans have been individually recognised as Mandate refugees. The Afghan individual caseload involves urban refugees living for the most part in Ashgabat and Turkmenabad. With the recent events in Afghanistan and the resultant political changes, an increasing number of Afghan refugees now consider their country of origin as safe, and have expressed their wish to return. Out of 68 Afghans repatriating in 2001, 60 did so during the last two months of the year. Between 1 January and 28 February 2002, 132 Afghans repatriated. Taking into account the profile and background of the persons concerned, LO Ashgabat has determined that voluntary repatriation would be the most appropriate durable solution for this population.

**Others:** There is also a small caseload of mandate refugees from the Russian Federation (Chechnya), Azerbaijan (ethnic Armenians) and Iraq.

### ***The pursuit of durable solutions***

Besides local integration and repatriation, UNHCR also continues its ongoing active involvement in resettlement. A total of 233 refugees were resettled in 2001, out of whom 153 Afghans and 13 Iraqis were resettled to the USA, and 67 Afghans to Canada. Another group of 87 Afghans who have been accepted by Canada are awaiting their departure arrangements. The change in the situation in Afghanistan has also modified the resettlement plans of the Office in regard to Afghan refugees. While the INS circuit ride, which was supposed to come to Ashgabat in September, was

indefinitely postponed by the US Government, the offer from the Canadian Government to have a selection mission to Ashgabat at the beginning of 2002, has been declined by UNHCR. Due to political changes in Afghanistan and subsequent increased interest for repatriation, a re-assessment of resettlement needs for the residual Afghan refugee population in Turkmenistan would be feasible only towards the end of 2002, and may well continue in 2003.

### ***Promotion, advocacy and capacity building***

In 2001, UNHCR Turkmenistan continued to play an essential role in training, capacity building and promotion of refugee law, via local and regional initiatives. The Government entities targeted were those most directly involved in issues related to population movements: the Ministry of Foreign Affairs, the Ministry of Justice, the Mejlis (responsible for the development and adoption of legislation), the Ministry of Interior and the Border Guards, who are often the first point of contact for asylum seekers/refugees. Information centres on international refugee, human rights, and humanitarian law that were previously established under the sponsorship of UNHCR, have received considerable documentation on international refugee law and humanitarian law, as well as technical assistance from the Office. These centres were used for research and seminars/workshops on questions related to refugee protection and UNHCR activities, which were conducted jointly by UNHCR and national experts who were all, as members of the Government Working Group on the Implementation of the Refugee Law of Turkmenistan, knowledgeable about refugee protection and the work of UNHCR.

UNHCR also facilitated the participation of Turkmen officials in the sessions of the Standing Committee and the Executive Committee and participation in meetings related to the Global Consultations on International Protection.

All the above activities will continue and be enhanced in 2002 and 2003, and will focus on the Office's priorities: to facilitate the naturalization of ethnic Turkmen refugees from Tajikistan and Afghanistan by promoting/facilitating the acquisition of Turkmen citizenship; to promote amendments to the Nationality Law in order to enable naturalisation of other refugees of non-Turkmen ethnic origin; to promote ratification to the statelessness instruments; to undertake a legal analysis of the Law and identify the gaps in order to lobby with the authorities for changes, creation of National Refugee Office, respect for the basic tenets of refugee protection including the principle of non-refoulement and the right of admission etc.

### ***Constraints***

The main constraint that continued to be faced by UNHCR in 2001 was the non-implementation of the refugee law, despite the fact that the principle of establishing a government structure dealing with refugee matters has been accepted. The government appears to be concerned by the financial implications that such a structure would entail.

The recommendations of the Working Group on the Implementation of the National Refugee Law, which was established in May 1999 under the auspices of the Institute for Democracy and Human Rights (IDHR) under the President, were still under the consideration of the Cabinet of Ministers at the time of reporting. UNHCR is still hopeful that the government refugee office will be established in 2002. The UNHCR office will then be fully involved in the ongoing training of the staff of the governmental refugee structure, as well as with refugee status determination in an advisory capacity once the government shall have developed its own eligibility procedures. The refugee office will require UNHCR partial funding and technical assistance during the initial stages of its existence, both in 2002 and beyond.

As far as refugees residing in the provinces are concerned, the present situation with registration and consequently with statistical information is currently based on estimates. It is hoped that UNHCR shall have the capacity to undertake a full fledged registration of the refugees who are locally integrating, with a view to having a clear idea of their numbers and intentions, which would permit the Office to tailor its own activities accordingly.

### *Strategy/objectives for 2003*

UNHCR remains committed to its strategy of phasing out its assistance activities in regard to the local integration of Tajik and Afghan refugees, within a broad development framework in collaboration with other UN agencies, such as UNDP. However, the implementation of this strategy is constrained by several factors: (i) the recent crisis in Afghanistan and the ongoing insecurity in areas of Afghanistan bordering Turkmenistan, viz., Herat and Mazar, with the resultant implications regarding possible new arrivals, and the Government's negative attitude thereto, (ii) the reluctance of the Government to institutionalise the protection of refugees within a formal framework, thereby leaving all policy decisions in regard to this population in the hands of a few individuals. This has led to unpredictable and sometimes arbitrary decisions in respect of refugees, further underlining the precariousness of their situation in Turkmenistan, (iii) the absence of a strong civil society or NGO sector, that could be relied on to assume protection/assistance activities in regard to refugees and asylum seekers in the country, and, finally, (iv) the lack of clear information regarding the exact number of refugees and other persons of concern in the country, (v) the lack of readiness of other UN agencies to ensure the continuum between humanitarian assistance and longer-term development.

In light of the foregoing, UNHCR will be compelled to remain engaged in assistance activities with respect to the refugees in Turkmenistan, until the situation of these persons is regularised. In this regard, for the next two years, the Office will be adopting a two-pronged approach: (i) conducting an all-out and intensive effort to obtain naturalisation for those refugees who qualify. In view of the fact that the vast majority of the refugees in this country, notably those of Turkmen ethnicity, would be eligible for this solution, it is hoped that by 2004, the majority of the refugees would be successfully integrated in Turkmen society. Further, (ii) UNHCR will also intensify its efforts to persuade the competent Turkmen authorities to establish a national refugee office and asylum procedure.

#### **(b) Selected Programme Goals and Objectives**

Name of Beneficiary Population/Theme: Local integration of urban and rural refugees	
Main Goal(s):	
<ul style="list-style-type: none"> <li>Naturalization and implementation of the refugee and nationality legislation</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>The rights of refugees and asylum - seekers are respected</li> <li>Locally integrating Tajiks are self-sufficient</li> </ul>	<ul style="list-style-type: none"> <li>Turkmen citizenship granted to refugees and other persons of concern</li> <li>Implementation of a legal framework supporting local integration of refugees and other persons of concern</li> </ul>

Name of Beneficiary Population/Theme: Care and maintenance for refugees in Turkmenistan	
Main Goal(s):	
<ul style="list-style-type: none"> <li>Implementation of the refugee legislation</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>The rights of refugees and asylum - seekers are respected</li> <li>Refugees are self-sufficient</li> <li>Refugees return voluntarily to their place of origin in safety and dignity</li> <li>Refugees in need of resettlement have access to this solution</li> </ul>	<ul style="list-style-type: none"> <li>Effective RSD procedures for refugees (UNHCR or Government)</li> <li>Voluntary repatriation movements facilitated</li> <li>Successful UNHCR interventions on detention cases</li> <li>Resettlement is facilitated on an individual basis</li> </ul>