



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Uzbekistan

Planning Year: 2005

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(a) Context and Beneficiary Populations

Political Context: The Republic of Uzbekistan remains the only country in the CIS which has not ratified any international refugee instrument, adopted any national legislation or established any administrative asylum procedure. Moreover, Uzbekistan's official policy remains to deny the presence of refugees and asylum seekers on its territory. Nevertheless, by virtue of a Gentlemen's Agreement with the Ministry of Foreign Affairs, mandate refugees enjoy a degree of protection against arrest, detention and refoulement, although this agreement becomes practically invalid in cases where the powerful state security services are involved. This verbal understanding has led to a clear decline in numbers being refouled, however, a few cases of deportations continue to be registered by this office yearly. The past year has also seen a clear improvement in the relations between UNHCR and the government. For the first time in the history of UNHCR's presence in the country, the First Deputy Minister of Foreign Affairs of Uzbekistan took part in the World Refugee Day press conference in June 2003 and pledged future cooperation with UNHCR. It is hoped that the participation of such a high ranking official at such a high profile event may signify a qualitative positive change in the Government's policy towards UNHCR and its clients.

2,512 mandate refugees mostly from Afghanistan are registered with UNHCR Uzbekistan although the figure of estimated Afghans in Uzbekistan is double that. Besides, an estimated number of 39,200 Tajik victims of the civil war in Tajikistan still reside in the country, and the majority of them may be of concern to UNHCR, either under the Office refugee and/or statelessness mandate. In addition, although small in number, this office has also been approached throughout the recent years by Iraqi, Turkmen, Azeri, Palestinian and Ethiopian asylum seekers.

UNHCR's Role: UNHCR's role and objectives in 2005 are as follows.

1. Ensure International Protection, assistance and durable solutions for refugees, including through group resettlement mechanisms.
2. Encourage the establishment of a national asylum system and assist in the design of such through the promotion of the draft chapter on refugees.
3. Ensure respect to refugee and human rights principles through training and PI activities.
4. Facilitate volrep to Afghanistan from Uzbekistan and other CIS countries, and render necessary logistic support to the Afghan operation.
5. Address problems facing Tajik victims of civil war, including statelessness, inter alia, through local integration and acquisition of Uzbek citizenship.

Protection Issues

In the absence of a national asylum procedure, UNHCR is the only actor in the country that conducts RSD, intervenes in individual cases to prevent refoulement, and organises all aspects of voluntary repatriation as well as resettlement. Thus, the promotion of the creation of a national asylum system will remain high on the Office agenda in 2005. With this goal in mind, UNHCR will multiply its efforts to build on

what appears to be a growing interest among the government to learn more about RSD procedures, inter alia, resulting from significant promotional activities carried out by UNHCR. Together with the Institute of Monitoring of Active Legislation, (IMAL), a quasi-governmental drafting body under the auspices of the Parliament, a chapter on refugees has been drafted and will hopefully feature in the country's future Migration Law, which is currently believed to be making internal reading rounds among the various government departments.

Individual Interventions: 16 mandate refugees were detained by the law enforcement bodies in 2003. The majority of them were released following UNHCR interventions, however, 4 of them were deported. These cases highlight the necessity of having well-qualified trained staff to intervene with government bodies directly to secure respect for the principle of non-refoulement.

General Interventions: In 2005, UNHCR aims to concentrate more activities on the estimated 39,200 Tajiks, mainly ethnic Uzbek, in Uzbekistan, whose legal status remains unclear. A preliminary survey conducted in 2003 revealed that most have no desire to return to Tajikistan. Thus, an in-depth survey will be conducted to obtain information that would allow steps to be taken to promote local integration prospects, thereby preventing serious statelessness problems from occurring among this group. The subject has tentatively been brought up with the government of Uzbekistan, and the latter is not expected to object to such a survey.

Repatriation and Resettlement: Actual implementation of both resettlement and repatriation is extremely staff and time intensive. It is particularly so in the case of Uzbekistan where, in the absence of IOM, UNHCR staff identify cases, interview them, fill-in forms, book/purchase air tickets, rent buses, obtain exit visas from five different governmental bodies, escort returnees from Tashkent inside Afghanistan, arrange accommodation/transportation, handle all airport formalities, etc.

Support to the Region and in particular to Afghanistan: With the aim of ensuring appropriate level of emergency preparedness, the Office will maintain its warehouses in Termez and provide the necessary logistic support for staff movements from/to Mazar-i-Sharif that requires additional human resources (e.g. a trip of one staff from Afghanistan, on MARS for instance, implies two working days and DSA of a driver with a car, not to mention time spent to obtain visas, arrange accommodation, pick-up at the border and airport, security clearance, etc). This additional need is therefore reflected in the staff requirements for 2005. Also, the Office will continue to facilitate the voluntary repatriation of Afghans from other CIS countries in 2005.

Exit Strategy: Only the establishment of a national mechanism for dealing with refugees and asylum seekers, which is not be expected to be achieved before the end to 2005, may reveal whether or not UNHCR can scale down its protection work. Until then, UNHCR may have no alternative but to continue with RSD at the present level. The Tajik caseload will also require more attention, as their protection situation is worsening and a solution for them cannot be expected before the end of 2005. The same holds true for the regional support role of UNHCR Uzbekistan. (see above). Also, Uzbekistan remains the designated alternate safe haven for evacuation of UN Staff in North Afghanistan, hence the importance of both OCM Tashkent and FO Termez's support role. Besides, being at a crossroads of two civil war and refugee producing countries, FO Termez acts as an extremely important early warning post.

(b) Selected Programme Goals and Objectives

Name of Beneficiary Population #1: Afghan Mandate Refugees.	
Main Goal: Provide international protection, including through RSD and finding durable solutions, including group resettlement.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Ensure International Protection, assistance and durable solutions for refugees, including group resettlement. 	<ul style="list-style-type: none"> • Free access of asylum seekers to RSD and appeal procedures is ensured. • Individual cessations of Afghan refugees will also be conducted in cases of clear re-establishment in Afghanistan. • The "Gentlemen's Agreement" with M FA holds and is respected by the law enforcement bodies. • Mandate refugees benefit from the International Human Rights instruments ratified by Uzbekistan. • Refugees are resettled to third countries in accordance with strict UNHCR resettlement criteria including through group resettlement. • Afghan refugees return home in safety and dignity under UNHCR's volrep prg.
<ul style="list-style-type: none"> • Provide care and maintenance assistance to most needy refugees. 	<ul style="list-style-type: none"> • All refugees in need have equal access to UNHCR's care and maintenance activities; • Vulnerable categories of mandate refugees (e.g. women, handicapped, elderly, etc.) receive appropriate assistance. • The High Commissioner's Five Commitments to Women is respected by UNHCR and its social services providers.

Name of Beneficiary Population #2: Tajik Persons of Concern.	
Main Goal: Obtain in-depth information that would permit steps to be taken, subject to availability of funds, to ensure durable solutions and reduction of statelessness among Tajiks of concern to UNHCR in Uzbekistan.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Address problems facing Tajik victims of civil war, including statelessness, inter alia, through local integration and acquisition of Uzbek citizenship. 	<ul style="list-style-type: none"> • An in-depth survey is conducted, the prospects for local integration and scope of statelessness problem are determined. • Global UNHCR policy is established and implemented on Tajiks in Uzbekistan. • Dialogue with the government and key embassies is increased following sensitisation initiatives in 2004, and support to UNHCR initiatives aiming to ensure durable solution for and reduction of statelessness among Tajiks is obtained.

Name of Theme #1: Development of an asylum system for Uzbekistan through, inter alia, promoting the adoption of a Migration Law incorporating a chapter on refugees	
Main Goals:	
<ul style="list-style-type: none"> • Convince and assist the Gvt. of Uzbekistan to develop a legal framework for the protection of refugees and asylum seekers through the active promotion of a draft law on refugees, to be incorporated in the country's future Migration Law • Change the Gvt. of Uzbekistan's perception of and attitude towards refugees, thereby creating an environment conducive to better cooperation • Improve the protection situation of refugees and asylum seekers through increased training and awareness for refugee rights among major governmental actors. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Encourage the establishment of a national asylum system and assist in the design of such by active promotion of the draft chapter on refugees. 	<ul style="list-style-type: none"> • Promote the inclusion of the draft Chapter on Refugees in the country's future Migration Law through training and awareness raising activities with various governmental interlocutors. • Closer collaboration with IMAL to ensure a continuous cooperative conduit into the inner governmental departments and their response to the draft • Regular contacts with Ministry of Foreign Affairs, Ministry of Internal Affairs and the Border authorities, (following the ongoing implementation of the successful BOMCA project), are capitalised on to garner greater interest in the draft chapter on refugees.
<ul style="list-style-type: none"> • Ensure respect to refugee and human rights principles through training and PI activities 	<ul style="list-style-type: none"> • Awareness and training activities conducted for law enforcement bodies to ensure respect to refugee and human rights. • Positive image of refugees is built up locally through PI and other activities.
<ul style="list-style-type: none"> • Increase the Uzbek Government's understanding of the need to adopt a legal framework for dealing with refugees and asylum seekers. 	<ul style="list-style-type: none"> • The Gvt. of Uzbekistan is acquainted with RSD procedures. • Encourage the government to adopt a new migration/refugee legislation.

Name of Theme #2: Support to the Region.	
Main Goal:	
<ul style="list-style-type: none"> • Provide support to UNHCR's operations in the region, in particular, to UNHCR's activities in northern Afghanistan. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Facilitate volrep to Afghanistan from Uzbekistan and other CIS countries. (A general cessation declaration for Afghans may increase the numbers for volrep.) 	<ul style="list-style-type: none"> • UNHCR Uzbekistan facilitates transportation of 300 refugees and other Afghans from Central Asia and CIS safely back to North Afghanistan.
<ul style="list-style-type: none"> • Render logistics support to the Afghan operation and other offices as required. 	<ul style="list-style-type: none"> • Warehouses with relief items and fuel depot are maintained in Termez to respond to both existing and potential needs.

	<ul style="list-style-type: none"> • Relief items are transported to UNHCR Mazar I Sharif. • Movements of UNHCR Mazar and IPs' via Uzbekistan receive due assistance.
<ul style="list-style-type: none"> • Benefit from the experience accumulated by OCM Tashkent staff to provide support/advice/training to other offices in the Region. 	<ul style="list-style-type: none"> • Protection staff to be further trained thus to enable them to support other offices in the region if the planned protection training scheme by the RSD unit in HQ takes place. • EDP Assistant provides regular advice to LAN Supervisors in the region and acts as a trouble-shooter for UNHCR Offices in Central Asia.