



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Myanmar

Planning Year: 2006

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MYANMAR 2006

Part I: OVERVIEW

1. Protection and socio-economic operational environment

Myanmar is the largest refugee producer in the region. UNHCR's presence and operations are therefore directed at prevention through protection and awareness building activities. In addition, while Myanmar refugees and asylum seekers continue to arrive in neighbouring Bangladesh, India, Thailand, and other countries in the region, UNHCR is involved in a small scale repatriation from Bangladesh along with a significant returnee reintegration programme. Operations have also been initiated in the Myanmar-Thailand border region to facilitate the potential repatriation and reintegration of refugees from Thailand, when conditions permit.

UNHCR established its presence in Myanmar in 1994 in order to facilitate the voluntary repatriation and sustainable reintegration of 250,000 refugees who fled to Bangladesh in 1991-1992 and to mitigate the risk of a renewed population outflow. Since February 2004, UNHCR has obtained access to the Eastern border provinces that are potential returnee areas for the Myanmar refugees in Thailand as well as IDPs displaced by the conflict, thus allowing to expand its role.

In 2006, UNHCR will pursue three main objectives; (i) to continue and if possible complete the voluntary repatriation of refugees from Bangladesh and to sustainably reintegrate returnees in Northern Rakhine State; (ii) to increase the absorption capacity in areas of origin for an eventual voluntary repatriation from Thailand as well as return from internal displacement sites of those displaced by conflict and violence in the south-east of Myanmar; and (iii) to promote Refugee Law and awareness of UNHCR mandate for officials who deal or may deal with issues of population movement.

Towards the end of 2004 and early 2005 a number of significant developments, took place in Myanmar, including a major government reshuffle following the removal of former prime minister General Khin Nyunt, that affected the overall political situation in the country and thereby directly impacted on the protection environment and the context in which UNHCR operates. Upon effecting these changes, the governing State Peace and Development Council (SPDC) gave assurances as to its commitment to the seven-point roadmap to democracy. It also confirmed the validity of all ceasefire agreements in place. Nevertheless, the substantive ceasefire talks between the Karen National Union (KNU) and the SPDC have faltered. In recent months, skirmishes have also reportedly taken place between the SPDC troops and the KNU. These developments impact on the timing of repatriation of refugees from Thailand, which cannot be envisaged within the near future. UNHCR protection activities in Northern Rakhine have also been affected by these changes, given that many counterparts were abruptly replaced by individuals unfamiliar with UNHCR and its mandate.

In accordance with a General Assembly resolution, the UN is facilitating a transition to democracy in Myanmar through a Special Representative of the Secretary-General, Mr. Razali Ismail. However, despite repeated requests, Mr. Razali Ismail has not been permitted to return to

Myanmar since his last visit in March 2004. Similarly, the Special Rapporteur of the Human Rights Commission on Myanmar has not been permitted to visit since mid 2004. In February 2005, a high-level ILO delegation, visiting Myanmar to assess the commitment of the regime to reducing forced labour, were refused a meeting with Senior-General Than Shwe and decided to abort their mission. Subsequently the government issued a very detailed statement highly critical of the ILO which accused the organisation of political bias. This is a significant setback for the ILO's engagement with the government of Myanmar.

Returnees and Vulnerable Groups in Northern Rakhine State

By the end of 2004 a cumulative total of 236,403 persons have returned to Northern Rakhine State in Myanmar with UNHCR assistance representing 94% of those who fled. Some 19,200 refugees remain in two camps in Bangladesh. Following discussion with UNHCR, the Myanmar government approved the return of 7,200 refugees from those in camps. However, very small numbers have opted to return. Based on this trend, it is anticipated that few persons may avail themselves of the possibility to return in the coming years. In the meantime, alternative solutions continue to be negotiated with the government of Bangladesh for the remaining families unwilling to return. However, for planning purposes it is assumed that 1,000 refugees will return in 2006.

UNHCR Myanmar will continue to coordinate closely with UNHCR Bangladesh. Regular exchange of information on both sides of the border will allow for a smooth implementation of solutions for the refugee/returnee population. UNHCR will facilitate tracing and family reunions beyond the organised repatriation phase. Any deterioration of the situation in NRS will also be immediately communicated to UNHCR Bangladesh for preparedness in case of a renewed outflow. Due to serious protection concerns, vulnerable groups among the returnees and the local population are still not self-reliant. A renewed outflow remains a possibility.

UNHCR conducts active field monitoring, and follow up on a host of protection concerns. UNHCR's activities have made a considerable impact in facilitating the re-integration and stabilisation of the most vulnerable returnees within the local communities. UNHCR enjoys unhindered access to the population and its presence has created a humanitarian space for other agencies to implement their mandate. UNHCR field monitoring and protection intervention have had a tangible and significant impact in reducing or mitigating the problems faced by the returnees and the vulnerable population.

UNHCR programme activities have been specifically designed to build the capacity of the returnees and vulnerable groups among the local community to overcome the difficulties of their surrounding environment, increase their coping capacity and promote self-sufficiency. Particular attention has also been paid to the promotion of basic Myanmar language skills in order to enhance interaction between the Muslim population and their surrounding communities as well as with local authorities..

A joint assessment of the then Assistant High Commissioner, the Director of the Asia Bureau and the UNHCR Office in Myanmar at the end of 2004 concluded that the operation in Northern Rakhine State should not phase out in 2005 or 2006. Rather, UNHCR's presence and activities

are essential for the stability and wellbeing of returnees as well as the most vulnerable population on the Myanmar-Bangladesh border. As a matter of fact, this population is, in its vast majority, stateless and without a clear legal status. UNHCR will thus continue its efforts aiming both at adequate protection of stateless persons and at a reduction of statelessness, by advocating a legal status in accordance with international standards which could ultimately lead to naturalization. To date, a total of 350,000 temporary registration cards have been issued to the Muslim population. By end of 2006, it is hoped that some 50,000 additional TRC cards would have been issued by the registration teams to villagers, and that the authorities will commit themselves to continuing this process, with UNHCR support. UNHCR is also in active discussion with the Myanmar authorities on the issuance of new national registration documents to returnees and local communities to further improve their legal status.

Preparing the Repatriation and Reintegration of Myanmar Refugees from Thailand as well as the Reintegration of IDPs in the Myanmar-Thailand Border Region

UNHCR has been engaged over years in discussions with the Myanmar authorities on access to major areas of origin of the 140,000 refugees currently living in camps in Thailand. In February 2004, UNHCR was able to start operating in Kayin State, Mon State and Tanintharyi Division, following an *ad hoc* agreement between the Myanmar Government and UNHCR. The same areas are expected to also absorb a possibly larger number of internally displaced people. Access to the border areas is a prerequisite for the increase of the absorption capacity of the local communities for the sustainable voluntary return of refugees and returning IDPs when the situation allows.. UNHCR's involvement with IDPs in areas of return on the Myanmar-Thailand border was reviewed according to internal UN procedures and was subsequently endorsed by the UN Secretary-General in September 2004.

Due to decades of conflict, the areas on the Myanmar-Thailand border lack rural infrastructure and basic services such as primary education, primary health care, water and sanitation rendering the communities particularly vulnerable. Difficult topography and the widespread presence of anti-personnel mines and other unexploded ordnance impose further limitations to movement and access to land. Furthermore, the area to be covered is vast, covering a border of 800 kilometers and over 1,000 villages in areas of concern.

While the conflicting parties, the Myanmar Government and the Karen National Union (KNU), have expressed that they want to continue negotiations towards a peace agreement, only sporadic talks are taking place since the wide-ranging government reshuffle in October 2004. Recently, the Myanmar authorities and the KNU have agreed to resume substantive discussions at Mawlamyine, Myanmar in April 2005. However, at the time of writing, the situation on the Myanmar-Thailand border is not conducive for refugees and IDPs to return in safety and dignity. While a roving field presence has been established, several challenges remain before voluntary repatriation could be envisaged. Solutions for the return and reintegration of IDPs are likely to emerge in parallel with that of refugees. Fears about a premature return of IDPs from remote border areas have so far not materialized due to continuing skirmishes between the Myanmar army and the KNU and general uncertainty arising from the current political climate.

Unlike Kayin State the situation in Kayah State remains highly volatile and prospects for a cease-fire are very remote. There are no formal talks between the Myanmar Government and the

Karenni National Progressive Party (KNPP) at present. Although a group of some 20,000 refugees from camps in Thailand would eventually return to Kayah State, UNHCR has not yet been granted access to this area of origin due to the ongoing conflict.

UNHCR Thailand and Myanmar are increasingly consulting in the implementation of activities related to the potential return of refugees to Myanmar.

Promotion of Human Rights and Refugee Law

Since early 2003, UNHCR has been organising Human Rights Law and Refugee Law workshops in cooperation with the Myanmar Human Rights Committee. A total of five workshops have been conducted since then, and 150 senior and mid-level officials from various departments who deal/may deal with issues of population displacement have participated in these workshops. Two workshops were held in Yangon and one each in Mawlamyine in Mon State, Dawei in Tanintharyi Division and, Hpa-an in Kayin State respectively. The workshops are facilitated by selected Law Professors from a number of Universities. Through these workshops, UNHCR is thus also able to establish direct contacts with various university law faculties in the country, and provide documentation and expertise in refugee law. Even though the Myanmar Human Rights Committee is no longer operational in 2005, the importance of continuing Refugee Law training has recently been discussed with the Minister of Home Affairs and high level officials .

2. 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 main themes and objectives of UNHCR Representation in Myanmar

Returnees and Vulnerable Groups in Northern Rakhine State

The overall goal of UNHCR's activities in Northern Rakhine State is to facilitate the voluntary repatriation of refugees and promote the sustainable reintegration of vulnerable returnees in order to prevent renewed flight:

- Stabilise the returnee population in order to reduce the likelihood of any renewed outflow through targeted and sustained interventions on governance issues affecting the stability of the NRS population;
- Promote systematic registration of the population for their eventual naturalisation; Develop the capacity of the NRS population to communicate in Myanmar language as an integration tool.
- Reduce abusive practices in the returnee area that seriously affect the livelihood of the most vulnerable groups and may lead to refugee outflows.
- Strengthen Civil Society; to consolidate and strengthen the financial and institutional capacity of community based savings associations in order to promote their independent viability;
- Support Community Centres in order to maintain initiatives to empower women, elderly persons and children and to ensure increased ownership by the community of these centres.
- Establish the bases of a protection and livelihoods support framework that can be sustained beyond UNHCR's presence

Preparing the Repatriation and Reintegration of Myanmar Refugees from Thailand as well as the Reintegration of IDPs in the Myanmar-Thailand Border Region

The overall goal of UNHCR activities in the Myanmar-Thailand Border region is to establish a regular monitoring presence in the area, to increase the absorption capacity for an eventual voluntary repatriation from Thailand and/or return of IDPs. Pending an internationally acceptable agreement between the conflicting parties, the UNHCR Plan of Action for Kayin State, Mon State and Tanintharyi Division foresees a two-phased approach.

Phase I consists of the following objectives:

- Build upon the roving presence established in 2004/2005 (international and national staff);
- Further implement community-based projects (education, health, water/sanitation, infrastructure) and maintain the dialogue with local communities;
- Collect/analyse baseline data and undertake conceptual planning for repatriation.

Phase two of the Plan-of-Action should be initiated as soon as political conditions allow, including the signing of an internationally acceptable agreement between the Myanmar Government and the KNU. This will have to be accompanied by an agreement on returnee rights and the modalities of return. It is, however, difficult to anticipate the timing of these agreements at this time due to the early stage of discussions between the parties to the conflict.

Phase II consists of the following objectives:

- Prepare a detailed repatriation plan and secure returnee rights;
- Mark mined areas and to the extent possible carry out de-mining;
- Repatriate refugees;
- Reintegrate refugees and IDPs.

Phase II activities would necessitate a substantial increase in financial and human resources to meet operational needs.

From the onset of the reintegration programme in the Myanmar-Thailand border areas, development agencies will be actively encouraged to undertake medium- to long-term activities, in accordance with UNHCR's 4Rs and relief to development policy. This will pave the way for UNHCR's eventual exit strategy. Towards this end initial contacts have already been established with JICA to participate in joint assessment missions and to undertake a comprehensive ground water survey.

Promotion of Human Rights and Refugee law

The main objectives of this theme are:

- To raise awareness among selected government officials about refugee and human rights law and the mandate of UNHCR;
- Through the use of Myanmar experts, to develop links with Law faculties and promote teaching and research in refugee law.

Integration with UNHCR Policy Priorities

Women/gender equality: In 2006, gender mainstreaming will continue to be an integral component of the programme planning cycle and implementation of UNHCR's operations.

Special attention will continue to be given to the empowerment of women, within the challenging environment of a very conservative Muslim society in Northern Rakhine State. Women will be encouraged and assisted to participate in self-help activities; to gain financial autonomy through savings associations; to market their skills; and to assume responsibility over their own reproductive health and the welfare of their children. Especially targeted among women beneficiaries will be the extremely vulnerable categories such as widows, elderly women without family support and female-headed households. UNHCR Community Services Centres in NRS will directly address the gender equity issue and harness skills, experiences and knowledge of the population. Inclusion of women is ensured in the management committees of these centres. Particular vigilance will be paid to situations that could potentially lead to exploitation of vulnerable individuals, including sexual exploitation. UNHCR's policy priorities regarding women, children and other vulnerable groups as well as SGBV issues will be clearly reflected in the content of the various refugee and human rights law workshops for officials and in interactions with universities.

Children and adolescents: Children will continue to benefit from UNHCR's community-based projects in the Myanmar-Thailand border areas in a number of ways. Access to clean water will improve their general health and hygiene and help prevent water-borne diseases which are most prevalent among children. All education projects are designed to help the most vulnerable children enrol in primary school in a safe and adequately equipped facility near their home. In Northern Rakhine State the language barrier between the Muslim and Rakhine/Buddhist population affects the welfare of children and hampers their reintegration. Through basic Myanmar language training and other support activities more children will be able to enrol in state schools thereby enhancing their integration.

Older refugees: Special attention will continue to be paid to the needs of extremely vulnerable individuals (EVIs) including elderly persons without family support. They will be accompanied to their villages of origin upon repatriation to Myanmar. UNHCR and partner agency staff will undertake house visits to identify and respond to individual needs with tailored assistance. Moreover, elderly persons will be included in the management of activities in the community centres. This will contribute to enhancing their role within the community.

Security: The wide-spread presence of mines in the Myanmar-Thailand border areas as well as banditry are problems not only for the local population and potential returnees but also for UNHCR staff on mission and implementing partners as well as commercial contractors who work on UNHCR projects. Two missions by the Field Safety Security Advisor have taken place in 2004 to identify staff safety issues and conduct training. Two further such missions will take place in 2005 and 2006. When appropriate UNHCR will support assessing the extent and locations of anti-personnel mines and unexploded ordnance and prepare for their identification marking and removal prior to organised repatriation. However, actual marking and removal can only start once the conflicting parties have reached a peace agreement and will need the dedicated involvement of specialised actors. In 2005, UNHCR has initiated contacts with the Mine Action Group and Handicap International to prepare for mine awareness activities.

HIV/AIDS: While the Myanmar government has acknowledged the prevalence of HIV/AIDS in the country, programmes and activities remain in their infancy. As a member of the UN country team UNHCR is a member of the thematic working group on HIV/AIDS. While the situation is

not alarming in NRS, HIV/AIDS prevention and education are integral parts of reproductive health programmes implemented by NGOs in the area. Reports indicate that HIV/AIDS prevalence rates are proportionately much higher in the border regions with Thailand, especially among young people. HIV/AIDS awareness will need to be built into repatriation planning at the time of returns.

Environmental concerns: UNHCR will promote the establishment of agency programmes for environmental rehabilitation in areas where decades of conflict have resulted in a serious deterioration of natural resources largely due to illegal logging and repeated population displacements. Facilitation support will also be provided for funding of a significant number of reserve forest areas in the region through bilateral arrangements.