



COUNTRY OPERATIONS PLAN

Country: Turkmenistan

Planning Year: 2004

Executive Committee Summary

Country Operations Plan 2004 : TURKMENISTAN

Context and Beneficiary Populations

Background:

Turkmenistan is one of the former Soviet Republics, which became an independent country in October 1991. Four years following this event, UNHCR established a presence in Turkmenistan. The main objective for the UNHCR presence at that time was to develop the capacity of the Government to deal with movements of populations and in particular with questions related to asylum seekers and refugees, including large influxes. This was imperative, since, at the time Turkmenistan became independent, there was no legislative and administrative framework to cope with refugee caseloads and influxes. Furthermore, within the framework of the CIS Conference, UNHCR also became involved in the establishment/development of an NGO sector, with a view to identifying, and enhancing the capacity of potential implementing partners. Parallel to these efforts in the field of capacity building, UNHCR gradually involved itself more and more in its traditional Mandate activities in the field of international protection and assistance to refugees, as well as in the search for durable solutions.

Since 1995, progress has been achieved in so far as Turkmenistan adopted a refugee law in mid 1997, acceded to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol, and signed a Co-operation Agreement with UNHCR, all in March 1998. During 2002, efforts continued to focus on encouraging the Government of Turkmenistan to develop its own refugee/asylum mechanisms and structures. Pending the full implementation of the refugee law, UNHCR continued to conduct refugee status determination, monitor the situation of refugees, and to promote durable solutions in their regard.

Turkmenistan has been 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's refusal to permit any foreign troops to enter, or operate from, its territory, with the sole exception of US military aircraft, which are permitted to re-fuel, following the September 11 events. At the same time, Turkmenistan has given its consent to the use of its ground and air transport corridors to deliver humanitarian freight/assistance to Afghanistan.

The economic situation remained fragile. However, the positive developments in Afghanistan led to negotiations on the export of Turkmen gas to Pakistan through Afghanistan, and it is foreseen that this Trans-Afghan pipeline, should it become a reality, will serve as one of the major sources of state revenues in the future.

The democratisation process in Turkmenistan remained in an embryonic phase, with a government-controlled party dominating the political landscape. The end of the year 2002 was marked by the assassination attempt on the life of the President of Turkmenistan, which occurred on 25 November 2002. As a result of the increased security measures related to the investigation of this attempt, the normal work of the Office was disrupted in December. Although security currently remains tight in the country, UNHCR operations have since resumed, in the normal manner.

Following the assassination attempt, a series of new regulations governing the entry/stay of foreigners in Turkmenistan as well as a new anti-terrorism law are currently being drafted. As

a part of the whole package of security measures that have been announced by the Government, Turkmenistan established a service to tighten regulations on the activities of foreign nationals within the country. The new body, which would start functioning from 1 March 2003, is composed of representatives of the various Ministries and Departments of the Government that deal with foreigners and headed by Murad Islamov, a former official of the President's Office. The new service, to be called the State Service for the Registration of Foreigners, is expected to advise Turkmen embassies abroad about which applications for visas should be, *inter alia*, granted or denied. A foreign visitor will face prosecution if he or she does not register at the place of residence within three days of arrival in the country. A centralised computer network system will be set up to collect information about each foreigner who enters the country. Further, the requirement of exit visas for Turkmen nationals, which had been abolished in December 2001, is reintroduced from 1 March 2003, while the visa regime introduced for CIS citizens in June 1999 continue to prevail.

In addition, the Government came up with a new regulation in early March 2003. The new regulation (known as a Decree) was adopted by the President of Turkmenistan in regard to: a) the improvement of the people's welfare, rational distribution of manpower and the establishment of favourable conditions for fruitful labour of the youth in Turkmenistan; and b) the relocation of persons, who breach the peace and cause disunity among the working population, to remote areas, in order to re-educate them through labour. Therefore, this decree would lead to both voluntary and forced displacement of persons within the territory of Turkmenistan.

Under the circumstances indicated in the Decree, any person who is residing in the provinces and regions indicated in the Decree comes under the purview of the Decree. An offender of law from this area will be forcibly removed to other designated areas. For the rest of the population, their removal will be effected only under their own willingness to live and work in certain areas. The target population in this category would be the youth of the families that have a large number of children. However, it is not excluded that even relocation of this type could be forced, if the number of volunteers is low. In that event, it might even result in relocating refugee populations from the affected areas. The number of *prima facie* refugees residing in the area covered by the Decree is about 800 to 1000 persons. In case of low interest among the local population for any reason, the authorities may employ coercion to implement the planning figures. Refugees in this situation may serve as a target group for forcible relocation.

Against this background, UNHCR has been able to continue to effectively 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. However, continue to ensure protection to refugees in coming months/years is going to be a horrendous task in view of the uncertain political situation and increasing restrictions on foreigners and Turkmen citizens. In order to work in this changing political environment, and keeping in mind the Agenda for Protection, LO Ashgabat reformulated its strategy to focus on the following in 2004:

- (i) Encourage the Government to create an institutional framework for the implementation of the refugee law;
- (ii) Undertake a comprehensive census/registration of refugees and other persons of concern;
- (iii) Advocate with the Government for naturalisation of all the refugees who fulfil the criteria for applying for citizenship under its nationality law;
- (iv) Build the capacity of the Government and NGOs/Civil Society in dealing with humanitarian issues;
- (v) Find most appropriate and durable solutions to the residual refugee population; and
- (vi) Co-ordinate with other UN agencies and actively take part in the process of the Common Country Assessment (CCA) in the context of the UN

Development Assistance Framework (UNDAF), in order to facilitate the development of a common UN development approach for refugees as well.

The Office used the creation of the new service dealing with foreigners, as an opportunity to propose to the Ministry of Foreign Affairs the inclusion of a special structure within this State Service, which would deal specifically with refugee issues. The Office referred in this regard, to the stipulations of the 1997 Law on Refugees of Turkmenistan, which provide for the creation of such a national refugee agency, and which have not yet been implemented.

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 2004 and beyond.

It is also hoped that UNHCR will be able to undertake a full-fledged census/registration of all refugees in close co-operation with the national administration, in 2004. This exercise is of utmost importance, since accurate data on refugees would permit the Office to properly tailor its activities in regard to the beneficiary population. A previous UNHCR proposal to undertake such a registration was turned down by the Government, on the grounds that local data was already available. This local data is extremely unreliable and factually incorrect. However, LO Ashgabat has seized the opportunity afforded by the new legislation on foreigners to reintroduce the registration proposal. The Office is currently awaiting a response from the Government on this issue.

Beneficiary population:

The majority of the asylum seekers and refugees in Turkmenistan are from Tajikistan and Afghanistan. The Tajik refugees, mainly of Turkmen origin, fled Tajikistan at the time of the civil war in the early and mid 90s. Efforts are currently ongoing either to repatriate some of them voluntarily or, for the majority of them, to integrate locally. Afghan refugees, for whom efforts had so far focused on local integration, also benefited from resettlement consideration and voluntary repatriation in 2002. In addition, there are a limited number of asylum seekers of other nationalities, notably Azeris from Nagorno Karabakh, Armenians from Azerbaijan, Chechens and Iraqis. It should be noted that the majority of refugees in Turkmenistan are of Turkmen ethnicity, and residing in rural settlements in Lebap, Mary and Akhal Provinces, while the non-Turkmen refugees reside essentially in urban areas such as Ashgabat and Turkmenabat.

Tajiks: There are over 12,000 Tajik refugees living mainly in 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. The durable solution for the majority of them is local integration.

The main protection needs of these refugees of Turkmen ethnicity, is the acquisition of citizenship. Although many fulfilled the legal requirement of being in Turkmenistan for seven years, only a small number of them is naturalised, largely due to their ignorance with respect to the naturalisation procedure. The lack of citizenship increases their already vulnerable situation, and has also been an obstacle to the issuance of marriage and birth certificates, registration of property such as land, restricts access to higher education, employment, and, in certain instances, negatively impacted on the refugees' right to freedom of movement. The recently introduced procedures for foreigners in Turkmenistan with its insistence on all aliens being properly documented, will also serve to exacerbate their precarious situation.

In 2002, the Office started a naturalisation campaign for refugees who are eligible for the acquisition of Turkmen nationality. Through regular protection monitoring missions to the fields, the Office classified those refugees who were eligible for Turkmen citizenship. Based on the information collected from the field, the Office prepared a Policy Paper on

Naturalisation and elaborated a strategy and Plan of Action to implement that policy. As part of this strategy, the Office carried out in 2002 a number of activities including convening of seminars and workshops on the issue of naturalisation, meetings with senior Government officials, and a Note Verbale from the High Commissioner to the President in October 2002, and frequent missions to refugee settlements to promote awareness on the naturalisation procedures.

However, based on the current pace of the naturalisation campaign, it is imperative that the Office intensify its efforts in this regard throughout 2003 and 2004.

Parallel to these activities, UNHCR continues to focus, together with the local authorities, on assistance projects facilitating the local integration of Tajik refugees within the existing surrounding communities. These projects include the construction and upgrading of schools and medical aid posts in rural settlements, organisation of health/hygiene/sanitation trainings for refugees and distribution of sanitary supplies for women and girls, vocational classes for young refugee adults, with special emphasis on women, summer schools for refugee children and the distribution of school uniforms.

In addition, it is foreseen, that some Tajik refugees will still avail themselves of voluntary repatriation, and they will be assisted by LO Ashgabat to do so, in 2004.

Afghans: The Afghan refugee population of approximately 1,260 persons includes both urban refugees and 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. For the latter, local integration projects continue in order to facilitate their permanent residence in Turkmenistan. For the urban refugees, the options of voluntary repatriation and resettlement were implemented in 2002 and will continue to be the focus in the years to come. While the main beneficiaries of these projects are refugees, the surrounding local population is also included. This ensures the successful local integration of the refugees, as their presence is not considered a burden but rather as a positive element for the entire community.

277 persons returned voluntarily to Afghanistan with the assistance of UNHCR in 2002. The repatriation trends reflected the growing interest of Afghan refugees in the repatriation option prompted by the fundamental changes in the country after the collapse of the Taliban regime. However, after reaching its peak in summer 2002, the repatriation process slowed down, mainly due to the winter period and the precarious situation in Afghanistan, particularly in its northern provinces, from where the majority of Afghan refugees originate. At the time of reporting, a total of 404 Afghans have been individually recognised as Mandate refugees.

In addition to repatriation and local integration, LO Ashgabat continues its involvement in resettlement. A total of 104 refugees, all Afghans of mainly Hazara ethnicity, were resettled in 2002, which is approximately two times less compared to 2001, when 233 refugees were resettled to USA and Canada. This fact is largely due to the change in the situation in Afghanistan, which had an obvious impact on the resettlement plans of the Office in regard to Afghan refugees, in the beginning of 2002. However, as noted earlier, due to the still precarious situation in northern Afghanistan and the subsequent decreased interest in repatriation, the number of Afghans wishing to return has come down. Moreover, for a small number of Afghan refugees repatriation will never be an option, due to their political background. Hence, a regular re-assessment of resettlement needs for the residual Afghan refugee population in Turkmenistan will be undertaken.

Others: There is also a small caseload of mandate refugees from the Russian Federation (Chechnya), Azerbaijan (ethnic Armenians) and Iraq. The Office will continue pursue the three durable solutions in their regard. Since some of them came to Turkmenistan from a first country of asylum (Kazakhstan for Chechens and Armenia for Azeris), in line with the concept of "effective protection", LO Ashgabat would explore the possibilities of return of these persons to the first country of asylum. For others, local integration does not seem to be a

possibility given their ethnic and national identity. Hence, the third country resettlement option will be explored for this group.

The pursuit of durable solutions:

LO Ashgabat places its main emphasis on the option of local integration and naturalisation for those refugees who have ethnic and cultural links and also have fulfilled residential qualifications for obtaining citizenship of Turkmenistan. However, the Office will facilitate voluntary repatriation for all those refugees who wish to repatriate. As noted above, the Office will explore the third country resettlement option for those like some Azeris and Afghans, for whom repatriation and local integration options are not feasible. It is foreseen in this context that LO Ashgabat will work in close cooperation with the Resettlement Management Working Group on identification of "finite" groups that might be appropriate for resettlement consideration for 2003 and 2004.

Promotion, advocacy and capacity building:

UNHCR Turkmenistan continues to play an essential role in training, capacity building and promotion of refugee law, through local and regional initiatives, with particular emphasis on the implementation of the Agenda for Protection. In 2002, the Office expanded their list of the Government bodies usually invited to the UNHCR seminars and trainings, besides the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Interior, Border Guards, Custom and Tax, and National Institute for Democracy and Human Rights. The Office has thus also initiated the participation of officials from the Mejlis (Parliament), Registration and Notary Offices, Judges, Turkmen World Humanitarian Association, Ministries of Education, Health and Welfare, and NGOs.

Information centres on International Law, Human Rights and Humanitarian Law at the Police Academy, the Ministry for Foreign Affairs, at the National Institute for Democracy and Human Rights, and at the Turkmen State University, which were established with UNHCR funding, will continue to receive UNHCR support, including information materials on international law, refugee law and technical assistance since the centres provide access to and raise awareness on the principles of refugee protection among the decision makers and those who influence the decision making process.

UNHCR also foresees the facilitation of the participation of Turkmen officials to the sessions of the Standing Committee and the Executive Committee, as well as other overseas workshops and seminars, which would enhance their awareness of international principles in relation to refugee protection.

Constraints:

The main constraint has been the non-implementation of the refugee law, since the objective of encouraging the Government to develop its own structures to implement the national refugee law did not materialise. In future, it occurs to be a difficult task given the recent political developments in the country and increased security restrictions, both on foreigners and Turkmen citizens.

However, as noted earlier, the Office used the creation of the new service dealing with foreigners, as an opportunity to propose to the Ministry of Foreign Affairs the inclusion of a special structure within this State Service, to deal specifically with refugee issues. This proposal is still under consideration by the Government.

Further, there has been no comprehensive registration of refugees residing in the provinces. Consequently, the current statistical information is based on estimates. UNHCR's proposal, in 2002, to undertake a comprehensive census was turned down by the Government on the grounds that local statistics already existed. However, UNHCR has seized the opportunity of

the new framework for foreign citizens, to reintroduce its proposal for the registration of the refugees. Response is awaited from the Government. It is hoped that UNHCR will have the capacity to undertake a full fledged re-verification exercise on all the refugees to get their numbers and intentions, which would permit the Office to find appropriate solutions to their problems, in addition to enabling it to tailor its activities based on the identified needs of refugees.

Strategy/objectives for 2004:

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 has been constrained by several factors: (i) the continuous insecurity in areas of Afghanistan bordering Turkmenistan, notably the northern provinces, with the resultant implications regarding possible new arrivals; (ii) the lack of a national asylum procedure; (iii) the difficulties in obtaining the naturalisation of some 12,000 locally integrating refugees, which would certainly require UNHCR's continued involvement; (iv) the absence of an effective NGO/civil society sector that could be relied on to eventually assume protection/assistance activities in regard to refugees and asylum seekers in the country; and, finally, (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 its activities with respect to the refugees in Turkmenistan, until the situation of these persons is regularised. For the next 2 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 2005, the majority of the refugees would be successfully and permanently integrated in Turkmen society. Further, (ii) UNHCR would also intensify its efforts to persuade the competent Turkmen authorities to establish a National Refugee Office and asylum procedure. These two approaches would enable UNHCR to eventually disengage from its assistance functions, and to focus on more traditional protection/advocacy and capacity building tasks, in the future.

However, it is essential that the Office not be perceived by the Turkmen Government as disengaging prematurely from its presence in Turkmenistan. The Office has every interest in assuring the Government of its continued commitment to the welfare of refugees in this country. As noted earlier, given the fragile economy and uncertain political situation in the country, it will be of utmost importance for LO Ashgabat to be able to offer some sort of assistance in return for an improved refugee protection regime. It would be difficult and short-sighted for UNHCR to cut project activities just as the Government is asked to naturalise large numbers of refugees, by the Office. The vast majority of these refugees are just beginning to fulfil the requirements for naturalisation this year (i.e. 7 years continuous residence in Turkmenistan). UNHCR is currently shifting from the "bailout" approach that it has hitherto employed towards local settlement, to a policy of "the provision of incentives" to persuade the Turkmen Government to implement the naturalisation of these persons. Therefore, the termination of the local integration project, as was initially foreseen under the Action 2, would be extremely ill-judged, since it would be perceived by the Government as an "abandonment" of the population by UNHCR. This perception would also have far-reaching consequences on UNHCR core mandate activities, since it will also be an impediment to the eventual establishment of a national refugee structure in Turkmenistan, as advocated by the Office.

Finally, the UNHCR presence in Turkmenistan will also become crucial not just for refugee protection but also for early-warning purposes (in case of an eventual outflow of Turkmen refugees into neighbouring Uzbekistan as a result of the new law on forced relocation of people from the bordering areas). As noted earlier, some new regulations are in the process of

being adopted by the Government in regard to the entry/stay of foreigners in this country, anti-terrorism, forced relocation, etc. These laws would have a far-reaching effect on the situation of refugees and asylum seekers wishing to enter, or, living in, Turkmenistan. The new regulations could also generate IDPs, linked to a possible outflow of refugees from the country.

Selected Programmes Goals and Objectives

Name of Beneficiary Population/Theme: Local integration of refugees	
Main Goal(s):	
<ul style="list-style-type: none"> Local integration and naturalisation of eligible refugees 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> Refugees obtain Turkmen nationality; Procedure established for naturalisation of aliens, including refugees. 	<ul style="list-style-type: none"> Framework supporting local integration of refugees established; Refugees have access to naturalisation procedure.

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

Name of Beneficiary Population/Theme: Capacity-building in Turkmenistan	
Main Goal(s):	
<ul style="list-style-type: none"> Building the capacity of national refugee mechanisms, and examination of nationality applications. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> The refugee and nationality laws are being implemented. Naturalisation procedure is in place, to which refugees will have access. 	<ul style="list-style-type: none"> Material and technical assistance to national/ local administration provided; Actual establishment of the National Refugee Office.
<ul style="list-style-type: none"> The national capacity of local NGOs in the field of refugee protection and assistance is well established. 	<ul style="list-style-type: none"> Training and technical assistance to local NGOs and government institutions working in the field of refugee protection and assistance.