

NEPAL

Working environment

The context

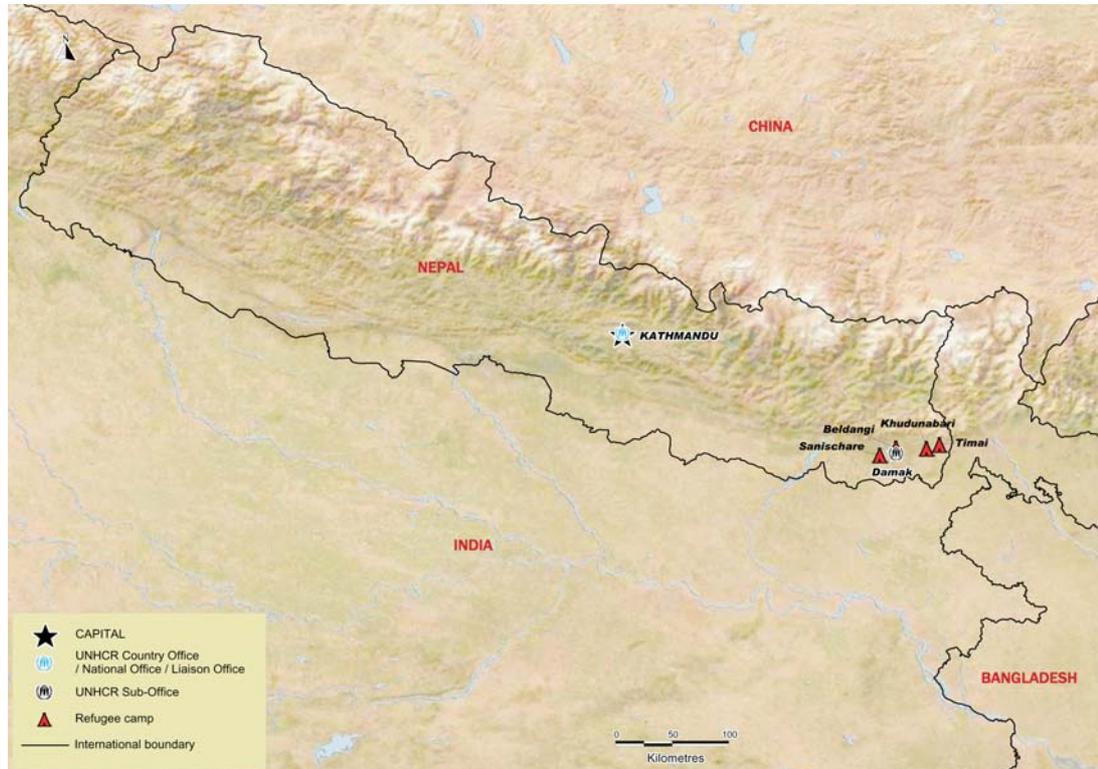
Nepal hosts a large number of refugees and asylum-seekers, mainly from Bhutan, although their numbers have steadily decreased in recent years as a result of the resettlement programme. With the support of the Government of Nepal and the international community, UNHCR protects, assists and seeks durable solutions for all refugees in the country.

Thanks to the generous support of the Core Group of resettlement countries—Australia, Canada, Denmark, the Netherlands, New Zealand, Norway, the United Kingdom and the United States—and the cooperation of the Government of Nepal and IOM, more than 50,000 refugees from Bhutan have now left Nepal to start new lives in these countries. UNHCR has also been working closely with the Government, the UN Country Team, NGOs and other stakeholders to develop a multi-year, inter-agency Community-Based Development Programme (CBDP) for refugee-affected and hosting areas.

At the end of 2010, the Government of Nepal endorsed UNHCR's proposal for the gradual consolidation of refugee camps. The Government also agreed to the introduction of the CBDP, which is designed to aid both refugee and host communities. The camp consolidation process is expected to be

completed by the end of 2012. Progress on the CBDP in 2011 was marked by a joint needs assessment, and its validation by the Government of Nepal and other stakeholders.

Political uncertainty and frequent changes in government have resulted in significant delays in the Constitutional drafting process and have also affected UNHCR's operations in Nepal, particularly with regard to refugee registration. Meanwhile, the provisions on citizenship proposed for the draft Constitution impose new restrictions which are not in line with Nepal's international treaty obligations.



Planning figures for Nepal

TYPE OF POPULATION	ORIGIN	JAN 2012		DEC 2012 - JAN 2013		DEC 2013	
		TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR	TOTAL IN COUNTRY	OF WHOM ASSISTED BY UNHCR
Refugees	Bhutan	56,710	56,710	43,920	43,920	29,290	29,290
	Tibetans	15,000	-	15,000	-	15,000	-
	Various	260	260	230	230	210	210
People in refugee-like situations	Bhutan	2,290	-	1,790	-	1,790	-
Asylum-seekers	Bhutan	1,120	-	-	-	-	-
	Various	40	40	30	30	30	30
Stateless ¹	Stateless	800,000	-	800,000	-	800,000	-
Others of Concern		790	250	790	250	790	250
Total		876,220	57,270	861,760	44,430	847,120	29,790

¹ 800,000 is an estimated figure of individuals who lack citizenship certificates in Nepal; the exact number is currently unknown. In 1995, the Government of Nepal sponsored the Dhanapati Commission, which concluded that approximately 3.4 million Nepalis lack citizenship certificates. A Government-initiated task force then distributed 2.6 million certificates in 2007. The estimate of 800,000 was arrived at by deducting 2.6 million (number of certificates issued) from the original estimated figure of 3.4 million.



Refugees in Beldangi camp.

UNHCR / J. RAE

• The needs

UNHCR continues to seek solutions for some 60,000 refugees from Bhutan who remain in Nepal. As part of this effort, in 2012, UNHCR will facilitate the resettlement of up to 16,000 refugees. Resettlement referrals have seen a remarkable 99 per cent acceptance rate, and more than 49,000 people among the remaining refugee population have expressed their interest in resettlement.

There is also a need for a comprehensive strategy to foster the peaceful co-existence of the refugees from Bhutan with the host population. The Community-Based Development Programme—an inter-agency strategy involving humanitarian as well as development actors—has been endorsed by the Government of Nepal, and will start being implemented in 2012. Meanwhile, UNHCR continues to advocate with the Government for a complementary registration exercise for the relatively small number of pending, non-registered cases among refugees from Bhutan.

Main objectives and targets for 2012

Favourable protection environment

- Access to territory is improved and the risk of *refoulement* reduced.
 - ☞ No credible cases of *refoulement* are reported.
- Laws and policy are developed or strengthened.
 - ☞ Domestic laws are consistent with international standards on the prevention of statelessness.

Security from violence and exploitation

- The risk of gender-based violence is reduced and quality of response improved.
 - ☞ All survivors of gender-based violence receive adequate support.
- The protection of children is strengthened.
 - ☞ 80 per cent of children of concern with specific needs are identified and assisted.
 - ☞ Best Interest Determination (BID) exercises are conducted for 60 per cent of unaccompanied and separated children.

Basic needs and services

- Health status of the population improved.
 - ☞ All persons of concern have access to essential drugs and primary health care services.
- Population has optimal access to education
 - ☞ 100 per cent of persons of concern aged 6-11 years are enrolled in primary education.
- The population has easy access to reproductive-health and HIV services.
 - ☞ All pregnant women receive antenatal care.
 - ☞ Some 1,500 people benefit from reproductive health services.

Durable solutions

- The potential for resettlement is realized.
 - ☞ All eligible persons of concern are resettled or have their cases submitted for resettlement.
 - ☞ All identified urgent and emergency cases are resettled.

UNHCR's presence in 2012

□ Number of offices	2
□ Total staff	170
International	14
National	70
JPOs	4
UNVs	10
Others	72

Approximately 900 Tibetans transit through Nepal each year. UNHCR will continue to advocate for their access to the territory, provide for their basic needs during their brief stay in the country, and facilitate their safe transit to India. Tibetans who arrived in Nepal prior to 1990 are entitled to recognition as refugees by the Government, as well as to documentation, giving them the right to remain in the country. Not all pre-1990 arrivals have been registered, however, and many Tibetans and their children remain without documentation. UNHCR will also continue to promote registration and documentation of the long-staying Tibetans.

The Office is concerned that a large number of Nepalis over the age of 16 may not have citizenship certificates, and that there is a risk of widespread statelessness amongst Nepali children in particular, if the draft proposals on citizenship in the new Constitution are adopted in their current form.

UNHCR will continue its efforts to improve access to protection and durable solutions for some 300 urban refugees and asylum-seekers, while enhancing community participation and vocational skills.

| Strategy and activities |

UNHCR continues to work with the Government of Nepal, the Government of Bhutan and the Core Group countries to find comprehensive solutions for refugees from Bhutan in Nepal. The launch of a registration exercise as well as the large-scale resettlement programme for refugees from Bhutan has contributed significantly to the resolution of this protracted situation. UNHCR will continue to seek the support of resettlement countries so that group resettlement remains available as an option for interested refugees. Measures will be undertaken to prevent registration and resettlement fraud.

Efforts to prevent and respond to sexual and gender-based violence will continue, with particular emphasis on working with men and boys. Moreover, measures to prevent, identify and respond to child protection issues will be strengthened, particularly for those with specific needs, and for unaccompanied and separated children. As part of a community services strategy, vocational training and self-reliance activities will be expanded.

The camp consolidation programme and implementation of the CBDP will be key priorities. Only two camps will remain

open by the end of 2012. Coordination with Government agencies, the UN Country Team and development agencies in the design and implementation of this joint programme addressing the needs of refugee-hosting and -impacted areas will be strengthened. UNHCR will be actively engaged in mobilizing new and existing partners for the implementation of the CBDP.

Tibetan arrivals transiting through Nepal will continue to receive protection and assistance from UNHCR. Additionally, UNHCR will promote access to legal status for the long-staying Tibetan population through registration programmes, and the issuance of identity documents.

UNHCR will also continue to protect and assist urban refugees and asylum-seekers. As resettlement will only be available for a limited number of people in this group, other durable solutions will be sought. Advocacy with the Government will be carried out to promote the adoption of best practices to address protection concerns and the development of a national legal framework.

In accordance with its mandate, UNHCR will further strengthen its effort to address the issue of people without citizenship certificates in the country. This will include not only promoting revisions of laws, regulations and policies that restrict access to citizenship and citizenship certificates, but also working with identified populations at risk to promote their access to citizenship. UNHCR, together with UN partners and civil society, will carry out advocacy with the Government of Nepal and other relevant actors to promote the adoption of citizenship provisions in the new Constitution which are in line with international standards and Nepal's treaty obligations.

● Constraints

With a rapidly decreasing camp population and departures of skilled refugees for resettlement, UNHCR faces major difficulties in maintaining the quality of services in all the camps. In addition, anxiety about the future combined with the weaker social support networks for those who choose not to pursue resettlement have heightened the need for psychosocial support and counselling for individuals, families and communities. The frequent strikes in the eastern region where the refugee camps are located will continue to pose challenges for the movement of NGO partners, prevent refugees from attending

resettlement-related interviews, and obstruct the timely delivery of assistance. The operation could also be affected should there be any political instability in the country.

While sustained advocacy efforts have been undertaken on the citizenship provisions in the new draft constitution, so far little progress has been made. Furthermore, in the absence of a domestic refugee law, urban asylum-seekers and refugees continue to be treated as illegal immigrants and may be subject to the imposition of heavy fines or detention for overstaying their visas, though in practice the authorities have generally recognized the protection needs of asylum-seekers and refugees. While cases of detention are now exceptional, the lack of registration and documentation deprives refugees of protection and the opportunity to become self-reliant.

Organization and implementation

Coordination

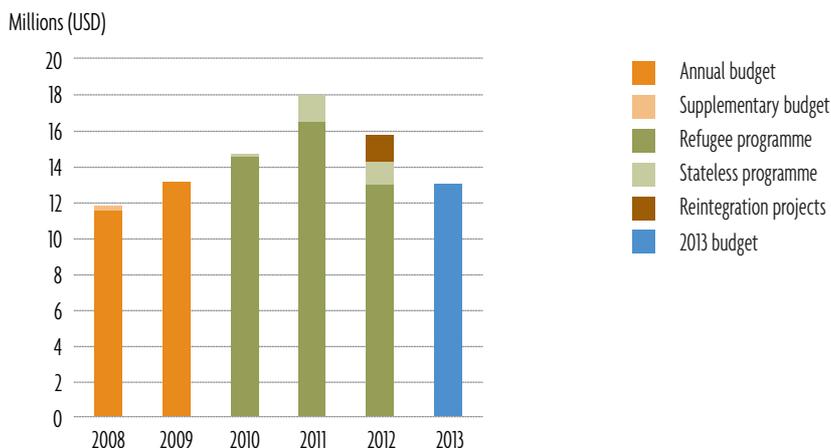
UNHCR will continue to work closely with the Government, resettlement countries and IOM on the resettlement of refugees from Bhutan. As part of the CBDP, it will also continue increase its engagement with donors and UN agencies in providing

development assistance to refugee-affected areas, given that the districts in which the refugee camps are located may not be considered priority areas by development actors. UNHCR will work with relevant UN agencies, academic institutions and civil-society groups, to raise awareness of the risks of statelessness and advocate for solutions.

Financial information

UNHCR's financial requirements in Nepal had increased steadily since 2007 as the result of initiatives aimed at improving living conditions in the camps and efforts in group resettlement. With the reduction of the refugee population in the camps, Nepal's overall requirements for 2012 have slightly decreased compared to previous years. In 2012, UNHCR will prioritize the camp consolidation initiatives and the Community-Based Development Programme in the refugee-affected and hosting communities while continuing the resettlement programme. Protection and assistance activities for other persons of concern including urban refugees will continue, while undertaking advocacy efforts to ensure the new constitution meets international standards with regard to citizenship provisions.

UNHCR's budget in Nepal 2008 – 2013



PARTNERS

Implementing partners

Government agencies

Ministry of Home Affairs

NGOs

Association of Medical Doctors of Asia
 Caritas Nepal
 Forum for Protection of Public Interest Nepal
 Lutheran World Federation
 Nepal Bar Association
 Trans-cultural Psychosocial Organization Nepal
 Tribhuvan University Faculty of Law
 Vajra Foundation Nepal
 Forum for Women
 Law and Development
 Dalit NGO Federation

Others

UNV
 UNOPS

Operational partners

Government agencies

Ministry of Home Affairs

NGOs

International Catholic Migration Commission

Others

ILO
 IOM
 UNDP
 UNICEF
 UN Resident and Humanitarian Coordinator
 WFP
 WHO

2012 UNHCR Budget in Nepal (USD)

BUDGET BREAKDOWN	REFUGEE PROGRAMME PILLAR 1	STATELESS PROGRAMME PILLAR 2	REINTEGRATION PROJECTS PILLAR 3	TOTAL
Favourable protection environment				
Law and policy	86,765	228,626	0	315,391
National administrative framework	0	278,348	0	278,348
Access to legal assistance	244,522	0	0	244,522
Access to territory and <i>non-refoulement</i>	226,256	0	0	226,256
Subtotal	557,543	506,974	0	1,064,517
Fair protection processes and documentation				
Reception conditions	571,367	0	0	571,367
Registration and profiling	348,469	0	0	348,469
Refugee status determination	41,524	0	0	41,524
Individual documentation	161,118	243,357	0	404,475
Subtotal	1,122,478	243,357	0	1,365,835
Security from violence and exploitation				
Protection from crime	143,883	0	0	143,883
Prevention of and response to SGBV	150,281	0	0	150,281
Non-arbitrary detention	77,018	0	0	77,018
Protection of children	322,241	0	0	322,241
Subtotal	693,424	0	0	693,424
Basic needs and essential services				
Health	1,701,492	0	0	1,701,492
Reproductive health and HIV services	361,574	0	0	361,574
Nutrition	644,920	0	0	644,920
Water	340,109	0	0	340,109
Sanitation and hygiene	527,022	0	0	527,022
Shelter and infrastructure	702,203	0	0	702,203
Access to energy	695,088	0	0	695,088
Basic domestic and hygiene items	491,669	0	0	491,669
Services for people with specific needs	762,360	0	0	762,360
Education	1,312,189	0	0	1,312,189
Subtotal	7,538,625	0	0	7,538,625
Community empowerment and self-reliance				
Natural resources and shared environment	396,435	0	0	396,435
Self-reliance and livelihoods	710,174	0	0	710,174
Subtotal	1,106,608	0	0	1,106,608
Durable solutions				
Integration	611,256	0	1,411,101	2,022,357
Resettlement	646,985	0	0	646,985
Greater reduction of statelessness	0	601,089	0	601,089
Subtotal	1,258,240	601,089	1,411,101	3,270,430
Leadership, coordination and partnerships				
Camp management and coordination	180,271	0	0	180,271
Donor relations	169,861	0	0	169,861
Subtotal	350,132	0	0	350,132
Logistics and operations support				
Operations management, coordination and support	321,139	0	0	321,139
Subtotal	321,139	0	0	321,139
Total	12,948,190	1,351,420	1,411,101	15,710,711
2011 Revised budget	16,511,714	1,367,775	0	17,879,489