



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Pakistan

Planning Year: 2006

Executive Committee Summary

Country Operation Plan 2006 : PAKISTAN

(updated August 2005)

Part 1: OVERVIEW

1. Protection and socio-economic operational environment

Pakistan has hosted Afghans for more than two decades, one of the largest refugee populations in the world. Even though, Pakistan is not a party to 1951 Convention or 1967 Protocol, in practice the Government of Pakistan (GoP) has generally respected international protection principles. The preferable durable solution for Afghans is voluntary repatriation and as of end of August 2005, more than 2.6 million Afghans have repatriated to Afghanistan since March 2002. UNHCR's voluntary repatriation planning figure for 2005 has been set at 400,000. However, much depends on the nation building process in Afghanistan, ie: Parliamentary elections, progress on peace and security, and more importantly of the continued support of the international community in providing infrastructure development and livelihood opportunities in the South and South Eastern parts of Afghanistan.

It is acknowledged by both the GoP and UNHCR that not all Afghans remaining in Pakistan will return to their homeland during 2005, and that not all Afghans in Pakistan are of concern to UNHCR. Cross border movements have always taken place between the countries and it is clear that the nature of such movements have normalised over the past three years. Many Afghans cross into Pakistan regularly, often motivated by livelihood and economic opportunities rather than a fear of persecution. There is recognition by both the GoP and Government of Afghanistan (GoA) that border management and population movements should be handled as part of the bi-lateral relations between the two countries.

In 2004, the GoP and UNHCR signed a Memorandum of Understanding for the census of Afghans in Pakistan. The census exercise was undertaken during the first months of 2005, and in June 2005 it was confirmed that there are 3 million Afghans in Pakistan, with an understanding between UNHCR and the Government of Pakistan, that not all Afghans in Pakistan are of concern to UNHCR. The GoP has also proposed to undertake a registration of those Afghans covered by the census, which will provide more detailed information on Afghans in Pakistan. An analysis of the data gathered through both the census and proposed registration exercises will feed into the development of comprehensive solutions for Afghans in Pakistan.

In 2005, the GoP, GoA, UNHCR and other interlocutors are starting to develop structures for the future management of Afghans that will remain in Pakistan through the establishment of a federal level task force that also includes NGOs, UN agencies and development partners. New programmes are being discussed, for example the rehabilitation of Afghan effected areas and programmes that target co-existing Afghan and host communities. There is a gradual acceptance that to forward sustainable solutions for Afghans in Pakistan, programmes will increasingly need to incorporate a poverty alleviation and development perspective, moving beyond managing the Afghan situation as a purely refugee/humanitarian issue. This approach also reflects the shift of

donor focus from humanitarian assistance programmes to poverty alleviation and development programmes in Pakistan.

While UNHCR's assistance is limited to the Afghan populations in settlements, there are a significant number of Afghans living in urban areas of all provinces. The census revealed that of the 3 million Afghans in Pakistan, 1.9 million of which are from urban areas. A clearer grasp of the number and location of Afghans in Pakistan will support the GoP to review its approach to durable solutions for those Afghans in urban areas. Under the present Tripartite Agreement the repatriation of Afghans is facilitated by UNHCR irrespective of whether they originate from settlements or urban areas. A comprehensive approach will work to ensure that the critical asylum space for those Afghans who can not yet return is maintained during this transition period.

Field protection and interventions to addressing bonded labour and issuance of birth certificates for refugee children will continue. Legal advice and counselling through partners operating Advise and Legal Aid Centres (ALACs) in the provinces will also continue.

Resettlement remained a durable solution for certain categories of Afghan refugees particularly women at risk or refugees with security problems. UNHCR and its partners will continue to identify those in need of resettlement with a strategic objective of developing and enhancing a burden sharing approach for those in need of continued protection.

In the absence of national asylum laws and procedures, UNHCR carries out the refugee status determination under its mandate of non-Afghans in need of international protection and pursues durable solutions mainly through the voluntary repatriation or third country resettlement. Most Afghan or non-Afghan refugees do not have official documentation issued by the GoP. However, NARA (National Aliens Registration Authority) organised registration (residence permit) for a limited group of non-Afghan refugees. These documents are renewed once a year but do not lead to permanent integration.

2. Operational goals and potential for durable solutions

CASWANAME considers the Afghan situation in South West Asia to be of primary importance. As such CASWANAME will remain closely involved in the Convention Plus initiative through the work of the bureau policy unit, the Afghanistan Comprehensive Solutions Unit, to support sustainable solutions for Afghans.

UNHCR's programme in Pakistan is based on the Office's overall mandate goals and reflects the global strategic objectives for 2006-2007. They have been developed throughout 2004 in the context of sub-regional strategic review meetings held in Geneva and in the field with the participation of UNHCR's representative and other key staff.

This COP represents a calculated assessment of what we feel is achievable in the current and prospective political climate in Pakistan. The concerns of the GoP that the international community and UNHCR will prematurely disengage from supporting the Afghan populations in Pakistan have been mitigated through the commitment of donors in Brussels in March 2005 at the 'Strategic Consultations on Population Movements to and from Afghanistan' co-chaired by

UNHCR and the European Commission. It will be important for UNHCR to continue to assure the GoP that UNHCR will continue to support those persons of concern to UNHCR, parallel to efforts to define solutions that are not of concern to UNHCR.

In line with Goal 1 UNHCR will redouble efforts to find comprehensive durable solutions for Afghans in Pakistan. The census results in June 2005, which for the first time provided credible information on the number of Afghans in Pakistan, will facilitate the formulation of concrete policies on future management frameworks and for comprehensive durable solutions for the Afghans remaining in Pakistan following the end of the Tripartite Agreement in March 2006. The registration (early 2006) is expected to further this process with more detail in addition to providing Afghans with documentation and improved protection.

Resettlement will continue to be one of the three durable solutions sought for refugees in Pakistan during 2006. However, due to the specific environment of an ongoing repatriation exercise activities are undertaken in a cautious manner not to impede the voluntary repatriation process. Afghan women-at-risk, cases with specific protection needs and extremely vulnerable individuals are expected to constitute the caseload during the year. It is expected that the data obtained from the census exercise, will provide a planning ground for fully utilizing resettlement as a burden sharing tool in the larger efforts in finding comprehensive solutions for the different categories identified under this framework. Both HQ support and support from resettlement countries will be required to make resettlement an integral part of a larger durable solutions framework.

Third country resettlement will also remain the main durable solution for non-Afghan refugees in Pakistan. Limited integration possibilities are available to a small group who, with UNHCR's assistance, have managed to obtain temporary residence and work permits. For some of the long-staying cases, within this group, resettlement options have been exempted and voluntary repatriation (especially for Somalis originating from the north and for Iraqis) will be sought.

GOAL 1: Continue to build an enabling political and social environment in which the GOP and people of Pakistan accept that not all Afghans may be willing or able to repatriate in the near future and that repatriation may not be the only solution for Afghan citizens in Pakistan.

The generally pronounced policy of the GOP is that all Afghan should return to Afghanistan, although economic and social opportunities are, for some, much better in Pakistan. This is also complicated by the fact that certain areas in Afghanistan still lack adequate security and substantive development opportunities. Many Afghans have lost their legitimate claims to land while in exile. Our aim is to negotiate with the government and the people in areas hosting refugees by presenting an incentive for their hospitality and the continued co-existence of Afghans in local communities. Where appropriate, local services will be improved to increase capacity and provide the same for refugees. GOAL 3 will also enhance this process.

GOAL 2: Promote the repatriation of Afghans from Pakistan's rural and urban areas with a more targeted approach and increasing emphasis on identifying places with high return potential and encouraging return to those areas.

The preferred durable solution for Afghans is voluntary repatriation and, since March 2002, more than 2.6 million refugees have repatriated to Afghanistan with UNHCR assistance.. Biometrics will continue to provide a record of Afghans returning with the assistance of UNHCR. Effort will be placed on identifying the mechanisms which would allow future repatriation to take place under a bi-lateral arrangement between Pakistan and Afghanistan.

GOAL 3: Begin a process by which development of refugee affected and refugee hosting areas, in selected locations, is mainstreamed into regional development plans and supported by donors and the UN Country Team.

This will be contingent on allowing Afghans to reside in these areas for the short or medium term and will provide a major incentive for local communities. One can think of this as the transition from relief to development, which we normally think of in the context of repatriation and reintegration. The results of achieving this goal will also contribute to those of creating an enabling environment, above. The development of *refugee affected areas* refers to repairing the adverse impact on areas where refugees had lived. On the other hand, development of *refugee hosting areas* refers to creating and supporting basics services in refugee hosting communities for both Pakistani population and Afghans.

GOAL 4: Progress dialogue and activity on a broader legal framework for temporary migration and population movement to and from Pakistan with the Ministry of Interior and Ministry of Foreign Affairs.

Comprehensive solutions will be pursued for Afghans who travel to and from Pakistan for various periods of time and for various reasons. Dialogue will be established and activities undertaken with the Ministries of Foreign Affairs and Interior to distinguish the various categories of Afghans in Pakistan, the reasons for their stay and their future intentions. Migration patterns are under observation at the moment through initiatives of the Afghan Comprehensive Solutions Unit. The National Database and Registration Authority (NADRA) will be engaged to assist with the registration of Afghans in a manner that can be integrated with their current population database and identity verification systems.

GOAL 5: Provide international protection and assistance to Afghan refugees and non-Afghan refugees/asylum seekers.

There will be a substantial shift from care and maintenance to a more dynamic protection regime involving an intensive outreach approach directed at the Afghan and non-Afghan caseloads determined to be of concern to UNHCR. A more field oriented protection presence is required to identify and consider solutions for those individuals or groups who have protection related reasons preventing them from repatriating to Afghanistan. This field protection presence, including community services, will also enable us to identify issues affecting female headed households, SGBV victims and children under bonded labour which comprise vulnerable groups in need of special assistance. This will be operationalised in a close, collaborative team approach between UNHCR repatriation units, field protection staff, community services workers and ALACS as well as NGO partners. More will be done to monitor the security and safety of persons of concern to ensure admission, prevent refoulement, forced displacement, arbitrary arrests and detention, physical attacks etc. through speedy and timely action(s)/intervention(s)

with appropriate authorities. This can be achieved by establishing and enhancing existing formal and informal relationships and networks. These include communities of persons of concern as well as influential contacts within the relevant authorities and /or institutions including national, regional, academic, and international institutions who can provide professional advice and information regarding protection issues. Strengthening the capacity of legal aid centres, analysing census and registration data and using the information developed from these sources to address the issues of people of concern will also be essential to achieve this goal. Non-Afghans who have been recognized pose a more complicated situation for whom durable solutions are difficult to identify. Promoting a more agreeable asylum climate and legislation on asylum will be a key activity in this respect. For a residual caseload of mainly Iraqis and Somalis, a majority of which resettlement is unlikely, repatriation or providing opportunities for increasing their self reliance may be the only option.

GOAL 6: Ensure a more cost effective use of resources and the management of assets while placing a priority on the security and welfare of staff.

As a transitional year, 2006 will see the streamlining of resources and activities related to care and maintenance. Partnerships will be consolidated as direct services to refugees. Direct bilateral funding to partners will be encouraged for development related activities in refugee affected and refugee hosting areas. A thorough assessment of staff and assets of UNHCR, the office of the Commissioner for Afghan Refugees and our NGO partners will provide the basis for the redeployment of these assets according to the needs of a newly emerging programme. Asset management will be strengthened with the creation of an international P3 post to oversee these activities. Retrenchment allowances will have to be factored into the staffing equation. Staff welfare and security will of course be at the forefront of our planning and a priority concern.

Security concerns -- such as sectarian violence and threats from militant movements, Governments efforts to combat terrorism in the frontier area near Afghanistan and disputes with local landowners -- have disrupted repatriation and field operations on a number of occasions, limited the access to refugees and even forced the temporary suspension of all activities in Balochistan in June 2004.