



# **COUNTRY OPERATIONS PLAN**

## **OVERVIEW**

**Country: Cambodia**

**Planning Year: 2006**

## **2006 COUNTRY OPERATIONS PLAN FOR CAMBODIA**

### **Part I: OVERVIEW**

#### **1. Protection and socio-economic operational environment**

Since the 1991 Paris Peace Accords and the ensuing repatriation operations by UNHCR, Cambodia has made significant strides in restoring peace, order and the rule of law alongside steady improvements in the economic sector, roads and infrastructure, and the general challenge of nation and institution rebuilding. However, 35 percent of Cambodians still subsist below the poverty line, and their leaders have been preoccupied with internal power struggles rather than working to improve the lot of the general population. Nonetheless, the two critical transitions of power in 2004 were generally peaceful. In July 2004 the political deadlock that resulted from the July 2003 elections was resolved in favour once more of the ruling Cambodian People's Party. In October 2004 King Norodom Sihamoni ascended to the throne vacated by his father, King Norodom Sihanouk, and the new King Sihamoni received healthy support from the politicians as well as the population.

On 3 February 2005 opposition leader Sam Rainsy and two other leading members of his opposition party were stripped of their parliamentary immunity, resulting in the arrest of one and the hasty departure of Sam Rainsy and the other from Cambodia. The move has been criticized by the international community and portends further political wrangling and possible instability, but at the moment the firm control of the Prime Minister and his Cambodian People's Party over the government and the state remains secure.

In spite of the political intramurals, the Royal Government of Cambodia (RGC) kept a steady eye on building its stature in the international community. In September 2004 the country became one of the first least developed countries to become a member of the World Trade Organization (WTO). Later in the year, the RGC finally ratified the Agreement with the United Nations establishing the Khmer Rouge Tribunal.

Economic growth in the short to medium term will be affected by the expiration this year of the country's protected quota of garments exports to the United States. The labor-intensive garments exports industry has been the principal income earner for the Cambodian economy, and without the quota, the industry is threatened by competition from other countries, particularly China. Widespread corruption is another factor that has a negative impact on the country's economic prospects.

In 1992, when Cambodia signed the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the country led the way in Asia in protecting refugees and asylum-seekers. The Montagnard refugee influx from Vietnam over the past four years, however, has seriously tested the country's commitment to refugee protection. While UNHCR and the international community continue to support the RGC in meeting its international obligations, the country remains extremely vulnerable. Despite the policy of the RGC to allow temporary asylum to Montagnards pending their resettlement in a third country, there have been in the past incidents and reports of Montagnard asylum-seekers being deported or forcibly repatriated by Cambodian authorities. The RGC has insisted that the asylum granted to Montagnards is strictly temporary.

Disagreements between the RGC and UNHCR over the reception of Montagnard asylum-seekers resulted in an unpleasant exchange of notes verbales in the first half 2004, climaxing in the closure of the UNHCR office in Rattanakiri in April 2004. The humanitarian crisis that ensued, with hundreds of Montagnards hiding in the Cambodian border regions, became an opportunity to restore good relations with the RGC, and the second half of the year saw joint RGC-UNHCR missions to Rattanakiri and Mondulkiri in a renewed spirit of cooperation which has benefited over 750 Montagnards to date.

Although Cambodia is a signatory to the 1951 Convention and the 1967 Protocol, there is neither domestic legislation nor administrative procedures pertaining to refugees and asylum-seekers. Most decisions concerning refugees, and in particular the Montagnard caseload, are taken at the highest political levels. A draft decree on refugees and asylum submitted by UNHCR to the RGC in December 2004 was later ruled out as unnecessary by the Government. Thus, refugee issues continue to be addressed by the RGC on an ad hoc basis.

Nonetheless, improved relations with the RGC were a major accomplishment of UNHCR Phnom Penh in the latter half of the year, reversing the course of negative circumstances surrounding the issue of the Montagnards. Serious investments of office time and resources in external relations are necessary to maintain the prevailing trust toward UNHCR, particularly during the implementation of the recent tripartite Memorandum of Understanding (MOU) between Vietnam, Cambodia and UNHCR, signed in Hanoi on 25 January 2005. The environment appears to be stable enough to allow to gradually turning over refugee protection responsibilities after a period of training and capacity building. Within this positive, constructive and cooperative environment, UNHCR will be able to ensure effective international protection and encourage the RGC to live up to its obligations under the 1951 Convention and 1967 Protocol, even as the Montagnard issue continues to be politically charged, drawing widespread international attention from governments, the media, NGOs, religious groups, and political activists everywhere.

## **2. Operational goals and potential for durable solutions**

The five main operational goals of UNHCR Phnom Penh for the year 2006 are as follows:

- Promote international legal protection to refugees, asylum-seekers and stateless persons by implementing capacity-building and awareness-raising activities for the RGC and the rest of civil society in order to enable the country to meet its international obligations under the 1951 Convention and 1967 Protocol relating to the Status of Refugees. Such legal protection will ensure that the rights of asylum-seekers and refugees are respected, especially their right of *non-refoulement* and exemption from liability for their illegal entry or presence in Cambodia.
- Ensure durable solutions for refugees and access to basic assistance by needy refugees and extremely vulnerable asylum-seekers during their status determination phase, and, for those refugees for whom local settlement is envisaged, integration assistance leading to self-reliance. UNHCR will provide protection and assistance especially to the most vulnerable ones, such as children, adolescents, women, and the elderly, as well as basic food and minimum standards of health care to special beneficiary populations housed in UNHCR temporary sites. For whom local integration and voluntary repatriation are not appropriate, UNHCR will work for their third-country resettlement.

- Assist the RGC in establishing the legal framework for refugee protection and asylum with the context of a national asylum system and a credible refugee status determination procedure, ensuring gender and age issues mainstreamed at every stage of protection and program activities.
- Strengthen the capacity of the RGC and the local NGOs to respond more effectively to protection and humanitarian needs of refugees, asylum-seekers and stateless persons, with the RGC assuming all the protection responsibilities for such persons of concern. This is consistent with Regional Bureau objectives to strengthen strategic partnerships and institutionalizing UNHCR initiatives within the country.
- Strengthen the relevance and effectiveness of UNHCR's protection activities in the region, promoting and supporting the Agenda for Protection and regional forums such as the APC and the Bali Process to improve protection of refugees and asylum-seekers, consistent with the objectives developed by the Regional Bureau.

Due to the lack of national structures related to protection of refugees and asylum-seekers, UNHCR has been involved directly in the refugee status determination process as well as providing care for recognized refugees, as well as limited assistance to extremely vulnerable asylum-seekers. Once legislation and the administrative set up are in place, the goal is to hand over these responsibilities to the RGC. In the meantime, UNHCR continues to seek durable solutions for the urban refugees, providing them with material assistance toward local integration, consistent with the rights of asylum in a Convention signatory country. Resettlement to a third country is generally reserved as an option of last resort.

For the short term, UNHCR Phnom Penh will continue to conduct refugee status determination, with the RGC authorities generally respecting UNHCR's decisions in this regard. UNHCR will also to provide financial, social and legal assistance to refugees and, in exceptional cases, to asylum-seekers. Through its implementing partner., UNHCR, will tend to the immediate needs of refugees and extremely vulnerable asylum-seekers through home visits, payment of monthly stipends, social counselling and medical assistance.

UNHCR Phnom Penh will develop a basic action plan to raise awareness on gender issues, and such action plan will include participation of both men and women, address sexual and gender-based violence (SGBV) and introduce an equal access to entitlements. UNHCR will work to develop a basic system of referral for SGBV. Special attention will be given to refugee women to ensure that they have equal access to learning opportunities such as vocational training and language classes. Special attention will also be given to female asylum-seekers regarded as extremely vulnerable. UNHCR and its partner will closely monitor their well-being, and they will be provided with appropriate assistance.

At present, 100% of urban refugee children are enrolled into some form of basic education, and this will continue throughout 2006. The percentage is slightly lower for Montagnard children, a few of who are kept behind by their parents to attend to domestic chores. Special attention will be given to unaccompanied minors who will be considered for resettlement in accordance with the principle of the best interests of the child. Mothers with newborn babies will receive extra food rations during the first year.

UNHCR will closely monitor older refugees, especially those who have no family or support network. Priority will be given to finding durable solutions for the elderly.

UNHCR will ensure that all refugees and asylum-seekers understand what is meant by HIV/AIDS, how to prevent the spread of infection, and the treatments available. Furthermore, staff working with refugees and asylum-seekers will follow confidentiality guidelines.

The Montagnards in the Phnom Penh sites are themselves responsible for cleanliness of the sites to avoid the spread of disease. Beneficiaries will be encouraged to engage in activities that promote good use of water and environment awareness.

In the pursuit of its operational goals and durable solutions for refugees, UNHCR Phnom Penh will keep in mind the primordial importance of security in the day-to-day activities of the Office. While the Montagnard population housed in the Phnom Penh sites has been generally peaceful and compliant with site regulations, there will always remain the basic security concerns attached to housing large, immobile populations in limited, restricted accommodations for extended periods of time. RGC police officials are responsible for security and order in the sites, and UNHCR will continue to rely on the good cooperation shown by the RGC thus far in this regard.

The over-all security environment in the host country is generally good, and UNHCR staff has had very few security problems. UNHCR staff members of all nationalities are well-received and accepted by the RGC. It is expected that this will continue throughout 2005 and 2006 with the continued political and social stability prevailing in the country. The security environment in the neighboring countries is likewise stable.

It is not anticipated that UNHCR's presence can be phased out until a satisfactory implementation of the 1951 Convention and 1967 Protocol is achieved. Since previous efforts for a comprehensive adoption of refugee legislation have been unsuccessful, the Office has embarked on an incremental approach which takes existing social, political, and economic realities into consideration, gradually establishing legal procedure and practice with the view to eventually formalizing them into law in the long term. During this time, serious capacity-building efforts will be undertaken by UNHCR to ensure that RGC officials will be ready to take full responsibility of the national asylum system being created in accordance with the highest standards of international refugee law and practice. The exit strategy for UNHCR will depend on the long-term progress made toward the establishment and implementation of such a system.