Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1385 (1998)[1]

Kosovo refugees, asylum seekers and displaced persons

Parliamentary Assembly

1. The Parliamentary Assembly deplores the fact that continued violent conflict in Kosovo has led, since the spring of 1998, to a ten-fold increase in the number of refugees and displaced persons, now estimated at between 290 000 and 600 000 people. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), some 50 000 displaced persons are living in particularly precarious and exposed conditions in remote wooded and mountainous areas. These people must be given proper shelter before the arrival of winter weather.

2. The Assembly is deeply concerned by reports that an estimated 7 000 to 10 000 homes have been made uninhabitable and many thousands badly damaged. The continued destruction of property in Kosovo, as well as the lack of security, makes return to many areas virtually impossible and certainly sporadic. In accordance with their commitments, the authorities of the Federal Republic of Yugoslavia and of Serbia must create the conditions for refugees and displaced persons to return voluntarily in safety and dignity to rebuild their lives and their own homes.

3. The Assembly is seriously concerned that the border regions in Montenegro, Albania and "the former Yugoslav Republic of Macedonia" are reaching the limit of their capacity to host refugees from Kosovo, many of whom are now seeking protection in Bosnia and Herzegovina, a country already facing serious difficulties in coping with the return of its own refugees. Regional political stability is thereby undermined.

4. The Assembly is disturbed by reports from the humanitarian organisations working to relieve the plight of the displaced persons in Kosovo that their activities have been subject not only to restrictions on account of lack of security but also to deliberate harassment, including detention of aid workers and theft of relief supplies.

5. The Assembly is aware that greater co-operation between international and local humanitarian organisations working in Kosovo could increase the efficiency of aid provision, and expresses its support for the lead role played by UNHCR on behalf of the United Nations.

6. The Assembly considers that humanitarian aid cannot be a substitute for a political solution. Only a ceasefire and a political settlement can prevent a humanitarian disaster over the coming winter.

7. The Assembly recommends that the Committee of Ministers :

7.1. urge the Government of the Federal Republic of Yugoslavia:

a. to cease violations of human rights and armed operations harmful to the civilian population, strictly respecting the provisions of international humanitarian law;

b. to take practical steps to facilitate the voluntary return of refugees and displaced persons to their homes before the winter, including limiting police presence in areas where returns are taking place; ceasing the practice of interrogating male returnees; providing and respecting an amnesty

1. Assembly debate on 24 September 1998 (30th Sitting) (see Doc. 8205, report of the Committee on Migration, Refugees and Demography, rapporteurs: Mr Iwinski and Mr Dinçer). Text adopted by the Assembly on 24 September 1998 (31st Sitting).

for those wishing to return; ceasing the practice of destroying homes and property in areas secured by Serb forces; and providing timely shelter and other assistance, with the help of the international community, to make returns sustainable;

c. to give high priority to funding the reconstruction of destroyed and damaged property, without regard to ethnic origin;

d. to ensure that humanitarian organisations have unimpeded access to all areas in Kosovo in order to conduct their activities in accordance with their mandates;

e. to refrain from intimidation and harassment of aid workers;

f. to accept the international escort of humanitarian convoys and the widespread presence of international monitors, including at the twelve official relief supply distribution centres;

g. to withdraw barriers to the import of international aid supplies to Kosovo and lift the embargo imposed by the Government of Serbia in April 1998 on the thirty-five basic items of food for the Albanian population in Kosovo;

h. to recognise the status of local and international humanitarian organisations, introduce registration procedures for humanitarian activity and grant appropriate visas for international aid workers;

7.2. urge the Kosovo Albanian parties to the conflict to ensure full respect for the provisions of international humanitarian law and full access for humanitarian organisations to territory under their control;

7.3. urge the parties to the conflict :

a. to provide access to detained persons and information about missing persons;

b. to ensure that humanitarian supplies reach those for whom they are intended;

c. to guarantee the safety and protection of those who have returned to their homes;

7.4. urge the governments of Montenegro, Albania and "the former Yugoslav Republic of Macedonia" to keep their borders open to refugees and displaced persons from Kosovo;

7.5. urge the member states of the Council of Europe :

a. to provide for an international presence in Kosovo in order to guarantee secure delivery of humanitarian aid and the safe return of the displaced population where possible before the winter;

b. to step up donor funding for reconstruction and the winter emergency plans in Kosovo and provide financial assistance to Montenegro, Albania and "the former Yugoslav Republic of Macedonia" which are currently hosting large numbers of refugees and displaced persons;

c. to suspend forced returns of asylum seekers to the Federal Republic of Yugoslavia and cease any negotiations with respect to readmission agreements;

d. to respond to calls for burden-sharing between European countries and receive asylum seekers from Kosovo, ensuring, on the one hand, that their protection needs are fairly assessed through harmonised asylum procedures and, on the other, that they receive protection granted on humanitarian grounds.